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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Final report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1993/62 of 10 March 1993 and Economic and Social Council decision 1993/273

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Introduction

1. At its forty-ninth session, the Commission on Human Rights decided, by its resolution 1993/62 of 10 March 1993, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fiftieth session. In its decision 1993/273, the Economic and Social Council endorsed that resolution.

2. In compliance with paragraph 13 of Commission on Human Rights resolution 1993/62 and Economic and Social Council decision 1993/273, the Special Representative submitted his interim report on the situation of human rights in the Islamic Republic of Iran to the General Assembly (A/48/526). It refers to the situation of human rights in the Islamic Republic of Iran during the months that had elapsed in 1993. In its resolution 48/145 of 20 December 1993, the General Assembly, inter alia, decided to continue the examination of the situation of human rights in the Islamic Republic of Iran including the situation of minority groups, such as the Baha'is, during its forty-ninth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

3. In compliance with Commission on Human Rights resolution 1993/62 and Economic and Social Council decision 1993/273, the Special Representative submits herewith his final report on the situation of human rights in the Islamic Republic of Iran. It refers to the situation of human rights in the Islamic Republic of Iran during 1993, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

4. As in previous years, the present report concentrates on written communications with government officials and on allegations of human rights violations from non-governmental organizations and individuals.

5. The structure of the present report is similar to that of previous reports, and it is accordingly divided into five sections: Introduction; I. Communications between the Government of the Islamic Republic of Iran and the Special Representative; II. Information received by the Special Representative; III. Considerations and observations; IV. Conclusions and V. Recommendations. There is an annex containing information received from the Government of the Islamic Republic of Iran

I. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

6. The Special Representative met with Ambassador Sirous Nasseri on 20 January and 2 September 1993, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva. He also had the opportunity to meet with the Permanent Representative and other representatives of the Government of the Islamic Republic of Iran during his visit to Vienna to attend the World Conference on Human Rights, held from 14 to 25 June 1993. At those meetings and in letters

dated 23 March, 28 April and 31 August 1993, the Special Representative reiterated his firm opinion that a fourth visit to the Islamic Republic of Iran would be very useful since it would permit him to obtain direct and first-hand information on the current human rights situation in the country, and would go far towards demonstrating the willingness of the Government of the Islamic Republic of Iran to cooperate in enabling the Special Representative to discharge his mandate. The Special Representative initially suggested the months of July and August 1993 as the period during which he could make his fourth trip to the country. Subsequently, by letter dated 31 August 1993, he suggested that the trip be made during the second half of October 1993.

7. On 16 July 1993, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

> "... I have recently been informed that graves of Iranian Baha'is in the Baha'i cemetery of Tehran are currently being destroyed by order of the authorities. While the confiscation of Baha'i cemeteries has been reported in the past, this is the first time that I receive reports according to which bodies have been exhumed from a Baha'i cemetery. According to the information I received, the Tehran Baha'i cemetery contains thousands of graves and a section of the cemetery is now being excavated by bulldozers in order to prepare for the construction of a building. The remains of human bodies are reportedly being loaded into trucks and removed to a destination unknown to the relatives.
>
> "I would appreciate it if you could inquire with the competent authorities about this situation and let me know all relevant details through the Centre for Human Rights. If it is considered necessary to continue with these public works, may I appeal to your Government to bear in mind the religious and emotional implications and to contact the relatives of the deceased as to the procedures to be followed and the whereabouts of the remains that might already have been transferred to other places."

8. On 28 July 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the reply of his Government to the letter from the Special Representative dated 16 July 1993. The letter reads as follows:

> "... The Tehran municipality, in implementing various new construction projects undertaken in the framework of Five-Year Development Plan and in conformity with the law relating to cemeteries, has embarked upon modification of some terrain in the western part of the city. This project has removed only 20 centimetres of the soil of the Baha'i cemetery covering those graves whose period of 30 years has already elapsed. New graves have not been touched. The municipality projects are not limited to this case and in some parts of the city cover the old Muslim cemeteries as well."

9. On 20 September 1993, the Special Representative, following past practice, transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a memorandum containing the allegations of human rights violations he had received since the last renewal of his mandate as Special Representative of the Commission on Human Rights. The Special Representative also requested information from the Government regarding the situation of 93 prisoners.

10. After having finalized his report to the General Assembly at its forty-eighth session, the Special Representative received a letter dated 27 October 1993 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, transmitting the replies of that Government to the allegations of human rights violations contained in his memorandum dated 20 September 1993 and reproduced in chapter III of the main part of his report (A/48/526). In accordance with the request formulated in the letter of the Permanent Representative, the replies of his Government were reproduced in an addendum to his report to the General Assembly (A/48/526/Add.1).

11. Moreover, by a letter dated 22 October 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted to the Special Representative, pending replies to the allegations raised by him in his last report to the Commission on Human Rights (E/CN.4/1993/41), as well as information on measures of clemency granted to persons convicted of various offences, on the elections and on the problem of narcotic drugs and human rights; a list of those convicted by the High Disciplinary Court for Judges and a list of staff members of the Prisons Organization of the country accused of various offences under investigation.

12. By a further letter dated 25 October 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted to the Special Representative a list in Persian of 174 pardoned prisoners previously sentenced to severe punishment for involvement in drug trafficking and robbery. [sentence deleted]

13. On 17 December 1993, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a memorandum containing the allegations regarding the human rights situation in the Islamic Republic of Iran which he had received since the last report he presented to the General Assembly (A/48/526).

14. On 30 December 1993 and 13 January 1994, the Special Representative addressed the following letters by telex to the Minister for Foreign Affairs of the Islamic Republic of Iran:

> "I should like to bring to your attention that I have received reports about three Iranian Baha'is who might be facing imminent execution in the Islamic Republic of Iran.
>
> "Messrs. Bihnam Mithaqi and Kayvan Khalajabadi, both imprisoned in Karaj, underwent a second trial in which the death sentences were reaffirmed on 23 November 1993. As you know, during my third visit to the Islamic Republic of Iran I could meet these persons in Evin Prison in

Tehran. The sources of the information have stated that paragraph D. of Verdict No. 81 charged the two Baha'is with, among other things, transmitting information to the United Nations, presumably in reference to the interviews I had with them during my last visit to Iran.

"I should like to bring to the attention of your Government, that Commission on Human Rights resolution 1993/64 adopted on 10 March 1993, in its operative paragraph 1 (a) '... urges Governments to refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them'.

"I have also received reports that Mr. Raamadan-Ali Dhulfaqari, who is imprisoned in Rafsanjan, has also been condemned to death on charges of apostasy.

"I would be most grateful if you could urgently intercede to ensure that those persons can benefit from all the procedural safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and also safeguards 4 to 8 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled 'Safeguards guaranteeing protection of the rights of those facing the death penalty'.

"In view of the repeated assurances I have received from your Government that no Baha'i is persecuted for his faith and in the event that all legal remedies have been fully exhausted, may I appeal to your Government to consider granting clemency to the above-mentioned persons.

"I should like to bring to your attention that I have received reports according to which Mr. Mehdi Dibaj, a former Muslim and now a Christian pastor, who has been in prison for more than seven years, was sentenced to death on 3 December 1993 on charges of apostasy by an Islamic Revolutionary Court in the city of Sari. Fears have been expressed that his execution may be imminent.

"I would be most grateful if you could ensure that Mr. Dibaj can benefit from all the procedural safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights as well as the safeguards 4 to 8 of the Annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled 'Implementation of safeguards guaranteeing the rights of those facing the death penalty'.

"In view of the repeated assurances I have received from your Government that no person is persecuted for his faith and in the event that all legal remedies have been fully exhausted, may I appeal to your Government to consider granting clemency to Mr. Dibaj".

II. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

15. The following paragraphs contain a summary of some of the allegations of human rights violations received by the Special Representative and communicated to the Government of the Islamic Republic of Iran by memoranda

dated 20 September and 17 December 1993. Replies received from the Government with regard to the alleged incidents and cases have also been reflected in this section. However, the memoranda and the Government's replies cannot be reproduced in their entirety owing to the limit imposed on the number of pages for reports submitted to the Commission on Human Rights by Commission resolution 1993/94 A of 11 March 1993.

A. Right to life

16. Although the Iranian press has apparently ceased to publish all the cases of executions, grave concern was expressed about the continuing use of the death penalty. Sentences of death can be imposed for premeditated murder, homicide, armed robbery, drug trafficking, armed rebellion, complicity in murder, kidnapping, rape and other crimes.

17. By letter dated 27 October 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva forwarded to the Special Representative the following response:

> "All human communities share the common viewpoint that capital punishment should be effected in cases of major crimes that are under no circumstances pardonable and that endanger the very fabric of society. In the light of the existence of different concerns in different societies, so far approximately 20 to 30 countries have eliminated 'execution' from their penal codes while the remaining countries have preserved 'execution' as a form of capital punishment in their penal codes. The use of execution is justified by Islamic thought, which commands the adherence of more than 1 billion Muslims in the world. In Islam, capital punishment is rooted in divine principles. This does not mean, however, that there are no requirements and provisions to be met before the offender is subjected to such punishment. There are strictly defined conditions that must exist before execution is used as a punitive measure. These conditions have been formulated within the Islamic framework of respect for human life. The most central of these requirements are fair adjudication, the completion of all phases of criminal rules of procedure and the issuance of the verdict based on relevant laws.
>
> "In Iran's penal code, the verdict of execution may be mitigated by first degree life imprisonment if there is a stay of execution from the Office of the Leader. The punishment in cases of premeditated murder is 'retribution' (capital punishment), which will become non-enforceable when the victim's immediate relatives do not insist on the execution of the convicted murderer and decide to pardon him/her. The Holy Koran encourages the victim's immediate relatives to pardon the convict. In cases of premeditated murder, following the pardon granted by the victim's immediate relatives, the court sentences the convict to prison in order to protect the society. The categories of crime punishable by execution are consistently becoming fewer in Iran. It must be borne in mind that manslaughter is not punishable by execution."

18. The Head of the Judiciary, Ayatollah Mohammad Yazdi, stated on 12 February 1993 that "those executed in Iran were either drug-traffickers

sentenced to death according to the ruling of the Expediency Council, or were cases falling within divine jurisdiction and no authorities have the right to reverse such rulings". He added that "in its campaign against narcotics, the Islamic Republic of Iran is actually doing the world a favour" and that it would never allow itself "to be contaminated by narcotics because of protests lodged by certain circles".

19. By letter dated 27 October 1993, the Government stated that:

> "Smugglers, who make heavy profits at the expense of the innocent youth whom they corrupt, use the most advanced weapons and military technology to do so. They should be dealt with firmly at the national and international levels. The United Nations Commission on Narcotic Drugs has endorsed the way in which the Islamic Republic of Iran deals with smugglers and has supported the measures taken by this country in confronting this issue. Iran's penal code decrees execution as the appropriate punishment for the possession and trafficking of specified volumes of illegal drugs. The defendant's criminal record is usually considered before a case is decided. Yet the arrest of a person accused of smuggling illegal drugs does not mean that he will not be entitled to all the protective guarantees of due process of law. The decision of the court will be carried out only when all legal procedures have been exhausted. (The detailed report on trafficking in illicit drugs, the dimensions of this problem, and its adverse effect on the Islamic Republic of Iran has been submitted to the Centre for Human Rights.)"

20. It has been reported that Mr. Mohsen Mohammadi Sabet was executed in Rasht prison. The actual date of the execution is not known. He was reportedly arrested in September or October 1992 at his home in Rasht, apparently for political reasons, and had been held in solitary confinement in Rasht prison since that date.

21. In its response dated 27 October 1993, the Government of the Islamic Republic of Iran replied as follows: "To date, no such individual has been arrested. This allegation is denied."

22. It was reported that an alleged supporter of the Kurdistan Democratic Party of Iran, Mr. Hussein Mouloudi, was executed in public in Orumiyeh in October 1992. No information was available about his trial. Mr. Mouloudi had reportedly been imprisoned for two years in different prisons.

23. The reply dated 27 October 1993, declared that: "In 1992, no such individual was executed in Orumiyeh."

24. On 20 April 1993, four persons were hanged in Sirjan, after being found guilty of perturbing public order and destroying public security. Their names were given as Dianat Aghabeighi, Majide Khadjuni, Ali Aghabeighi and Mohammad Eftekhari.

25. In its response of 27 October 1993, the Government replied as follows: "This allegation is confirmed."

26. In May 1993, a woman named Zohré Eghbali, governess and mother of two children, aged five and two years, was hanged in Isfahan, after being found guilty of adultery. The newspaper Ressalat reported on 11 August 1993 that a man was executed in the courtyard of Mashhad Penal Court No. 1 on charges of adultery. Another man was executed at the same time and place on charges of murdering his wife.

27. In its response dated 27 October 1993, the Government stated that for the case of Zohré Eghbali, this allegation was also raised by the Special Representative and was investigated at the time. It has been reinvestigated and it is denied. For the second and third sentences of previous paragraph, this allegation is confirmed.

28. It was reported that Mr. Ahmad Ghofrani was sentenced to death on 13 January 1993 because of his alleged political opposition to the Government. He was arrested in Mashhad in December 1992. No information about his trial, the charges on which he was convicted or his place of detention was available to the Special Representative. In March 1993, Mr. Salim Saberniah and Mr. Seyed Mustafa Ghaderi were sentenced to death by the Islamic Revolutionary Court of Tabriz for illegally leaving the country and belonging to the Kurdish section of the Communist Party of Iran, Komala. The verdicts issued have been approved by the Supreme Court.

29. In its response of 27 October 1993, the Government replied as follows:

> "First three sentences: Investigations have led to the conclusion that no such person has been detained by judicial or police authorities, and the allegation that he was sentenced to death is denied.
>
> "Third and fourth sentences: Salim Sabernia and Seyyed Mostafa Ghaderi are members of the Komeleh group. They were arrested last year during a military altercation in the heights of the north-western border of the country. During their detention, the two men confessed to the murders of several villagers and to terrorizing civilians from whom they demanded money to finance the activities of Komeleh. They also confessed to blowing up several tractors and other vehicles. These two are currently under investigation, and they are both represented by defence attorneys."

30. It was reported that Mr. Feizollah Mekhoubad, aged 77, resident in Tehran, was sentenced to death in early May 1993 by an Islamic revolutionary court of Tehran. He was reportedly active in relief and charitable work for needy people and did not engage in any political activities. In May 1992, he was accused of having links with zionism and having the intention of departing for Israel. It was alleged that during his trial he was not granted the possibility of exercising his rights to defence and appeal.

31. In its response dated 27 October 1993, the Government stated the following:

> "Mr. Mkhoubat is a spy for the Zionist regime. He was involved in activities geared to forming an intelligence espionage network gathering

information for Israel. He also engaged in collecting and transferring funds to Israel. He is currently under investigation and enjoys good health. He also has a defence attorney."

32. According to the newspaper Salam of 31 March 1993, Hojjatolislam Mahmoudi, in a Friday sermon in the city of Varamin, south of Tehran, noted the negative impact of the public executions carried out in Rah Ahan Square in Varamin and the misgivings they bred in the minds of the public. Hamzeh Karami, Governor of the city, and a group of teachers also criticized such methods of punishment.

33. In its response of 27 October 1993, the Government reported the following:

"The accuracy of this allegation is denied. Hojjat-ul-Islam Mahmoudi states that he has never expressed such opinions during his address to the prayer congregation."

34. It was reported that in September 1992 the Minister of Intelligence of Iran, Hojjatolislam Ali Fallahian, spoke on television of the Government's success in striking at opponents outside the country:

"We have been able to deal blows to many of the mini-groups outside the country ... As you know, one of the active mini-groups is the Kurdistan Democratic Party ... We were able to deal vital blows to their cadres last year."

35. In its response dated 27 October 1993, the Government replied that "this paragraph distorts the statements of this individual, who denies the accuracy of the statements as quoted."

36. It has been reported that several government opponents were either killed or injured outside Iran in circumstances suggesting that people acting on behalf of Iranian officials may have been responsible.

37. It was reported that in October 1992 the German authorities arrested an Iranian national and four Lebanese in connection with the killings of four Iranians, leading members of the Kurdistan Democratic Party of Iran - Qassemlou Faction - who were shot dead in a restaurant in Berlin in September 1992 while they were participating in a meeting held by the Socialist International. Those killed were the Secretary-General of the Party, Mr. Sadegh Sharafkandi, the representative of the party in Europe, Mr. Fattah Abdoli, the representative in Germany, Mr. Homayoun Ardalan, and the interpreter, Mr. Nouri Dehkordi.

38. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that:

"The Embassy of the Islamic Republic of Iran in Germany has publicly denounced the murder of those four Iranians in question. Currently, the German authorities, with the cooperation of Iranian authorities, are pursuing the case and are searching for relevant evidence to apprehend the murderer(s)."

39. The assassination in Turkey was reported of Mr. Ali Akbar Ghorbani, also known as Mr. Mansour Amini, a member of the People's Mojahedin Organization of Iran. He was abducted close to his home in Istanbul on 4 June 1992. According to reports, bombs were placed in vehicles belonging to the People's Mojahedin Organization around the same time. Mr. Ghorbani was tortured and hanged 10 days after his abduction. His body was discovered severely mutilated in a shallow grave in Cinarcik, 28 miles south-east of Istanbul. His finger nails had been pulled out, his genitals cut and a rope, tied around his neck, used to kill him. According to a dispatch from Reuters of 4 February 1993, the Minister of the Interior of Turkey, Mr. Ismet Sezgin, stated in Istanbul that police had arrested 19 members of the previously unknown Islamic Action group. They were charged with killing Mr. Ghorbani and two Turkish pro-secular writers. Mr. Sezgin said that the Islamic Action group had been trained in Iran, in a military camp located between Tehran and Qom, and that three of its leaders were believed to have taken refuge there. He said that it was clear that those who had committed the murders had connections with Iran.

40. In response to this information, the Government stated, on 27 October 1993, that:

> "It should be noted that the Iranian Government is cooperating with the Turkish Government regarding the murder of Mr. Ghorbani. It is likely that Ghorbani was assassinated by the Mojahedeen-e-Khalq organization. According to some of the members of this organization, he had dissented and left the organization after the latter's wide-ranging collaboration with the Iraqi regime to suppress Iraqi people."

41. The assassination in Karachi, on 6 June 1993 of Mr. Mohammad Hassan Arbab, alias Mohammad Khan Baluch, by four armed men was also reported. He was a member of the National Council of Resistance of Iran. During the attack, a bystander was also killed and a child was seriously injured. The political assassination of Mr. Mohammad Hossein Naghdi, representative of the National Council of Resistance of Iran, on 16 March 1993 in Rome, allegedly by agents of the Iranian regime, was also reported. Mr. Naghdi had reportedly received recent threats and was assigned home and office protection three years ago after the murder of Mr. Kazem Rajavi. According to The Independent of 19 March 1993, the Minister of the Interior of Italy, Mr. Nicola Mancino, said on State radio that the killing was "part of an extremely dangerous strategy aimed at subverting Europe and the West. Naghdi's murder must be seen in a very worrying global context where the terrorist threat is more insidious than ever in various continents and especially in Europe". Mr. Naghdi, a former chargé d'affaires of the Islamic Republic of Iran in Rome, had been the National Council of Resistance of Iran representative there after his defection.

42. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that:

> "For the first two sentences: In response to the request made by the family of the murder victim, the Embassy of the Islamic Republic of Iran in Pakistan has placed the pursuit of this issue on its agenda.

"For the fourth through last sentences: The Government of Iran has no information on the circumstances of the death of the person in question. This person was formerly a member of the Mojahedeen-e-Khalq organization. Recently he is known to have distributed several communications taking a stance against the organization because of its collaboration with Saddam and the Iraqi regime in suppressing the people of Iraq. He protested the organization's intelligence gathering for Iraq to the detriment of Iranian people. It is believed that this organization engages in the assassination of its former members who have expressed opposing views to preserve itself and to undermine Iran's relationship with European countries. The Iranian Government has communicated to the Italian Government its willingness to follow the matter."

43. By note verbale dated 11 November 1993, the Permanent Mission of Italy to the United Nations Office at Geneva transmitted the following information from the Ministry of the Interior of Italy:

"On 16 March 1993, at 9.30 a.m., two men killed Mohammed Hussein Naghdi, an Iranian national and representative of the National Council of Resistance of Iran in Italy.

A former chargé d'affaires at the Iranian Embassy in Rome, [Naghdi] knew Italy well. As an official of a body that included several movements opposed to the current Iranian regime, he had for some time been working diligently and responsibly to make the more aware within Italian society conscious of the serious problems his country faced.

As regards the reconstruction of the crime, the initial findings of a police enquiry suggest that around 8.45 a.m. on 16 March last Dahmghanh Shahab went, as he did every morning, to Via del Boschetto to collect the Iranian representative and accompany him to the office. The security services' vehicle was in position. Mr. Naghdi and his driver were approaching the "Salario" district, taking unaccustomed roads because they were early for the rendezvous with the second security services' vehicle set in the plans.

At about 9.30 a.m. the car reached the Piazza Elba. As itslowed in order to turn into Via delle Egadi, where the headquarters of the Iranian National Council in Italy is situated and where the second security services' vehicle was waiting, a man on foot approached the right window and, looking inside towards Mr. Naghdi, fired two shots at him which struck him in the head and neck, causing mortal injuries.

Mr. Naghdi was given immediate attention and taken to the hospital, but was dead on arrival.

The Rome Prefecture of Police instantly mounted an enquiry under the supervision of the deputy Government Procurator, Mr. Ionta, in collaboration with the Gendarmerie, which had received an

anonymous call that very afternoon. The person on the end of the line, who spoke Italian fluently and without an accent, indicated a rubbish bin on Via Monte Rocchetta, near where the attack had taken place, in which a "Skorpio" machine pistol with ammunition clip and silencer and a second ammunition clip were found.

The weapon, loaded, was jammed. Ballistic tests were carried out to determine its provenance and see whether it was indeed the weapon used in the attack.

During the enquiry the commissioner in charge of the case raided the headquarters of the National Council of Resistance of Iran, and the investigating magistrate ordered a visit to the victim's home in order to gather information for the pursuit of the enquiry.

It should be added that security measures in respect of Mr. Naghdi had recently been being taken as part of an overall plan of surveillance, combined with a surveillance system based on radio links at agreed times and places in accordance with movements that might imply risks (the Iranian representative had, exceptionally, been authorized to carry weapons for his personal protection).

This plan had been upgraded following the information communicated on 2 March last by SISDE (the Interior Security Service), which prompted the Prefecture of Police to get in touch with the individual concerned.

This security system had already been shown to be effective in similar cases, when personnel responsible for the security of well-known figures at risk were able to discover suspect movements and initiatives in time and thus to take action to identify or arrest potential attackers."

44. According to The New York Times of 22 June 1993, the Minister of the Interior of the Islamic Republic of Iran, Mr. Abdollah Nouri, referring to such opposition leaders as Mr. Naghdi, asked:

"How many terrorist activities and explosions inside Iran have these people confessed to? Are these types of people terrorists or not? And if someone takes action against such terrorists, does that mean they are terrorists?"

45. With reference to the preceding paragraph, the Government of the Islamic Republic of Iran replied:

"Mr. Nouri, the previous Minister of Interior, states that the sentences quoted are distortions of statements he made. He asserts that even though violence should not be answered with violence, those who have tainted their hands with the blood of innocent people, committed unconscionable crimes and engaged in terrorism, and would one day encounter terrorism of their own kind. He cited these examples as cases of historic victory."

46. With regard to the assassination of Mr. Kazem Rajavi at Coppet, Switzerland, on 24 April 1990, it was reported that on the basis of the preliminary investigation carried out by the Investigating Magistrate of the Canton of Vaud, 13 persons were implicated as having been involved in the assassination. The Government of Switzerland is asking the French authorities to extradite two Iranians arrested in November 1992 in Paris. They are suspected of having participated in the preparation or the execution of the assassination. It was also reported that Judge Roland Chatelain had transmitted rogatory letters via Bern to the Iranian authorities, but that no answer had been received.

47. In his letter of 27 October 1993, the Government stated the following:

> "The Iranian Government, in its last initiative to pursue this matter, requested some crucial information from the judge, Roland Chatelain, who, despite his promise to the contrary, has not submitted this information to the Embassy of Iran in Berne."

48. On 1 January 1994, the Special Representative received information related to the expulsion from the territory of France of the two Iranians arrested in connection with the assassination of Mr. Kazem Rajavi, Mr. Mohsen Sharif Esfahani and Mr. Ahmad Taheri.

49. Concern was expressed about the continuing endorsement by the Government of the Islamic Republic of Iran of threats to the life of the British novelist Salman Rushdie. On 14 February 1993, the Leader of the Islamic Republic of Iran, Ayatollah Seyed Ali Khamenei, reiterated that the decree against Rushdie was inalterable and that:

> "The verdict must undoubtedly be carried out and will be carried out ... Therefore, it is incumbent upon every Muslim who has access to this mercenary author to drive this harmful being out of the way of Muslims and punish him ... Solving the Rushdie issue is possible only through the handing over of this apostate and infidel to Muslims."

He suggested that, as a logical solution, the British Government should hand over the apostate Rushdie to Muslims to be punished. The President of the Republic, Hojjatolislam Ali Akbar Hashemi Rafsanjani, stated that the decree issued by Imam Khomeini was the expert view of a high-ranking scholar on Islamic jurisprudence and such a decree could not be revoked. On 22 February 1993, Majles Speaker, Ali Akbar Nateq-Nouri, said:

> "Believers in other religions, especially Christians, should coordinate with Muslims to remove this undesirable element, although Muslims know better how to punish him."

On 19 February 1993, a member of the Council of Guardians, Ayatollah Mohammad Emami Kashani, called for implementation of the late Imam Khomeini's edict against Salman Rushdie:

> "In accordance with divine justice, the apostate writer has to be executed ... Plots against Muslims and acts against the sanctity of

Islam cannot be rightly called freedom or liberty ... All schools of Islamic jurisprudence rule death for an apostate born of Muslim parents."

50. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 17 December 1993, the following allegations concerning the right to life.

51. It was reported that three followers of Dr. Ali Shariati - Ali Reza Hamidabad, 36; Hamid Kord, 32; and Gholam Reza Sagvand, 37 - were executed in early 1993 or at the end of 1992. They had reportedly been arrested three years earlier and spent most of their imprisonment in Dezful prison, where their executions are believed to have taken place. They were all reported to have been tried in secret. No further information about their trials was available to the Special Representative.

52. It was also reported that Ms. Maryam Ashtiani, aged 35, was executed in March 1993 in Evin prison in Tehran. She had reportedly been arrested following the burial of her father, when she spoke out against political executions. Her relatives were informed of her execution only four months later and after persistent inquiries.

53. On 8 August 1993, Mr. Abbas Sialipour and Mr. Faramarz Gharib, two supporters of the People's Mojahedin Organization of Iran, were hanged in public in the city of Karaj, on charges of possession of 100 kilograms of hashish. They were reportedly arrested in 1991 on political charges.

54. It was reported that Mr. Mohammad Salami, who had been arrested on political charges, was executed in Evin prison in Tehran in August 1993, after being found guilty of attempting to leave the country illegally.

55. According to the Iranian newspaper Ressalat of 13 September 1993, an unnamed person was publicly hanged on 5 September 1993 at Qyam Square in Isfahan. He had been found guilty of the murder of Mr. Mohammad Mohsenian, a member of the Bassiji Resistance Forces.

56. According to Ressalat newspaper of 27 October 1993, three people were hanged in October 1993 in Roudan. They had been found guilty of committing armed robberies and creating insecurity across Hormuzgan province. Their names were given as follows: Mir Agha Momenzadeh, citizen of Afghanistan, Yar Mohammad Jamshid Zehi and Bakhshak Zakhmipour.

57. On 23 September 1993, three people were executed at Zanjan, reportedly for political reasons. Their names were given as follows: Mohammad Mohamedi, Khatame Dadashi and Fereidoun Bichloc.

58. In September 1993, four unnamed persons were executed at Torbat-e Heidarieh, eastern Iran, after being found guilty of smuggling and distributing heroin in the province of Khorasan.

59. On 31 October 1993, the Iranian newspaper Kayhan reported that three unnamed persons were hanged in public at Rezaieh.

60. It was further reported that four people were recently executed in the Holy City of Mashhad, Khorasan province. They had all been arrested at Mashhad in June 1992 in connection with the riots in that city. Their names were given as follows: Darbehshti Mehdi, Kahnamoui Mahmoudi, Zibai Kadjani and Masoudi Ali Aghar.

61. According to the Iranian newspaper Jomhouri-Islami of 5 December 1993, five unnamed persons were hanged in public in the Holy City of Qom, Central province, on 2 December 1993. They had been found guilty of propagation of corruption on earth, consuming drugs and drinking alcohol.

62. It was further reported that around 20 Baluchis, members of the Naroui and the Barahoui tribes, were executed in December 1992 and February 1993 in Zahedan prison. Information regarding the precise charges and trials was unavailable to the Special Representative.

63. With respect to the assassinations of Mr. Shapour Bakhtiar, the last Prime Minister before the Islamic Revolution, and Mr. Katibeh Fallouch, his personal secretary, both assassinated in August 1991 in a Paris suburb, it was reported that, on 21 April 1993, the investigating magistrate, Judge Jean-Louis Bruguière, issued warrants for the arrest of Mr. Nasser Ghasmi Nejad and Mr. Gholam Hossein Shoorideh Shirazi, two Iranian citizens, who were suspected of helping the killers to escape from France. Mr. Ali Rad Vakili, one of the suspected murderers, and another two Iranians are in prison awaiting trial. The judge also issued international arrest warrants against Mr. Hossein Sheikhattar, an adviser to the Iranian Telecommunications Ministry, for complicity in the crime, and against Mr. Mesut Edipsoy, a Turk of Iranian origin.

64. With regard to the killings of four Iranians, leading members of the Kurdistan Democratic Party of Iran - Qassemlou Faction - who were shot dead in Berlin in September 1992, it was reported that the federal prosecutor's indictment asserts that "... the ringleader of the Berlin attack was Kazem Darabi, an agent of the Iranian secret service ..." and that "... an agent of the Iranian intelligence service, Kazem Daravi, received orders from superiors in Tehran to kill the Kurds during their visit to a meeting of the Socialist International here. He is said to have planned and carried out the shootings with the help of four Lebanese confederates. All are under arrest ... ." It was further reported that Mr. Youssef Amin and Mr. Abbas Rhayel, two of the four Lebanese men accused of aiding Kazem Darabi, were named as members of the Hizbullah "Party of God" militia. Another, Mr. Atallah Ayad, was said to belong to the Amal.

65. It was also reported that two chiefs of the Narou'i tribe of Baluchistan, Mr. Heybatollah Narou'i and Mr. Delaviz Narou'i, were shot dead outside their home in Karachi, Pakistan, on 9 March 1993.

66. It was further reported that Mr. Mohammad Ghaderi, a former member of the Kurdistan Democratic Party of Iran (KDPI) and recognized refugee, was abducted on 25 August 1993 from his house in Kirshahir, Turkey. Some ten days later his mutilated body was discovered. According to reports, two men, who introduced themselves as Turkish police officers, entered his house and took him away.

67. It was reported that Mr. Bahram Azadifar, a member of the KDPI, was killed on 28 August 1993 in his house in Ankara, by two men disguised as Turkish policemen.

68. On 6 October 1993, Mr. Majid-Reza Ibrahimi, aged 36, a member of the People's Mojahedin Organization of Iran, was killed in an attack in Baghdad, As-Sha'ab district. Another member of this organization was wounded during the attack.

69. It was reported that an attempt was made on the life of Mr. William Nygaard, the Norwegian publisher of Salman Rushdie's book, The Satanic Verses, in November 1993.

70. On 2 September 1993, Miss Bahareh Vojdani, aged 20, was killed by a vice-squad militia agent in Shemiran, a Tehran suburb, during a campaign for the prohibition of vice and promotion of the Islamic dress code. She was reportedly shot after making a call from a telephone booth on the street.

71. On 17 October 1993, the Iranian newspaper Ressalat reported that, on 15 October 1993, Lieutenant Rostami, a militia agent, shot and killed the driver of a car who was stopped by him at a check-point in Esfarayen, eastern Iran, and who had not obeyed his orders. According to Ressalat, "a few hours later Rostami broke into the victim's home and killed him by shooting three times in the head". Lieutenant Rostami was reportedly released immediately after his arrest.

72. On 20 October 1993, the death sentence against Mr. Ahmed Bakhtari, an agricultural engineer, was confirmed. He had reportedly been convicted of membership of an illegal opposition group and sentenced to death by an Islamic Revolutionary Court on 17 January 1993. It was said that the trial procedures were grossly unfair as he did not have access to a lawyer. He is currently held at Evin prison in Tehran.

73. The Special Representative has also received reports of the following cases concerning the right to life.

74. According to a dispatch from Reuters of 22 December 1993, six persons were hanged in a police headquarters in Shahriar and four persons were hanged in public in Karaj in December 1993. They were reportedly members of a gang convicted of murder, armed robbery and rape on highways.

75. It was reported that Mr. Mohammad Ismail Farid and Mr. Massoud Alvand were executed during 1993 in Tehran on political charges. The exact date of their execution was not available to the Special Representative.

76. According to a dispatch from Reuters of 7 January 1994, Mr. Taha Kirmench, an Iranian Kurdish dissident, was shot dead on 4 January 1994 in the Turkish city of Corum, where he had been registered by the United Nations High Commissioner for Refugees as a refugee since July 1993. Mr. Kirmench was reportedly a leader of a faction of the Kurdistan Democratic Party of Iran (KDPI).

77. It was reported that, on 19 December 1993, the Majlis approved the death penalty for producers and dealers of pornographic videos on their third conviction. According to the information received, conviction on a third offence would make culprits corrupt on earth, a state punishable by death under Iranian law.

B. Enforced or involuntary disappearances

78. The Special Representative was informed that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has transmitted to the Government of the Islamic Republic of Iran a total of 506 cases of missing persons. So far only one case has been clarified by information received from non-governmental sources.

79. It was reported that Mr. Abbas Gholizadeh, a member of the opposition group Derafsh-e Kaviani, the Flag of Freedom Organization of Iran, was abducted near his home in Istanbul in December 1992. No news of him is available. It has been reported that Mr. Shahriar Farsi, a geologist born on 20 March 1965 in Tehran, son of Mr. Hayat Gholi and Mrs. Sammaie, married with one child, disappeared on 11 November 1992 while he was working with a civil electric company. His fate remains unknown. No investigation appeared to have been carried out in spite of numerous inquiries by his relatives.

80. In its reply of 27 October 1993, the Government stated the following:

> "First two sentences: This person has not been identified. The necessary steps to cooperate with the Turkish Government are currently under way.
>
> "Third through last sentences: These persons have no criminal records in the judicial courts, and neither the judicial nor the police authorities have arrested any such persons."

81. It was reported that the fate of Mr. Bahman Qahramani remained unknown. He disappeared in 1988 after being detained on political charges in the city of Yasooj.

82. It was also reported that Mr. Habib Fereidun Sharshar Yegane (previous name Aghachi), aged 51, disappeared in July 1990. He was reportedly seen in captivity in Qom prison and in Evin prison in Tehran. Before his disappearance he telephoned his relatives in Tehran saying that he was in Qom and that if he did not contact them again within 24 hours, they should know that he was in trouble. He had travelled from Tehran to Qom in order to receive the proceeds of the sale of his shop from a Muslim cleric called Hosein Najafi Musavi, who was later imprisoned for offences not connected with this case.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

83. Torture of prisoners was reported to remain common throughout the country, in spite of the prohibition contained in article 38 of the Constitution of the Islamic Republic of Iran. According to former prisoners,

the most frequently used methods were beatings with cables and rifle butts on the back and the soles of the feet, suspension for long periods in contorted positions and burning with cigarettes.

84. The specific cases of cruel, inhuman or degrading punishment mentioned below were reported to the Special Representative. On 15 December 1992, an Islamic revolutionary court sentenced an Afghan accused of multiple thefts to have his fingers cut off. The sentence was carried out in a public square using an electric saw. In February 1993, Mr. Mohamedi Khalede, aged 20, was condemned to the amputation of his right hand on charges of stealing in Sanandaj.

85. With reference to the preceding paragraph, the Government of the Islamic Republic of Iran replied: "This allegation is denied."

86. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 17 December 1993, the following allegations.

87. It was alleged that political detainees continue to be subjected to torture following arrest to force them to confess or give statements. It was said that prolonged incommunicado detention facilitates the torture of detainees.

88. It was alleged that Mr. Mohammad Taghie Rahmanie, a 33-year-old student held in Evin prison in Tehran, was subjected to lashes on the soles of his feet and on his legs, beatings, punches in his face and kicks. As a result of beatings, he has reportedly lost most of the hearing in his left ear and his eyesight is also said to have deteriorated in the course of his confinement. He was sentenced to 10 years' imprisonment following a trial by an Islamic Revolutionary Court in 1986.

89. It was alleged that Ayatollah Hossein Ali Montazeri was prevented from being hospitalized in Tehran on 16 August 1993. According to the reports received, he had been admitted to a Tehran hospital as he was suffering from kidney stones and a heart ailment. Doctors at Loghman-Od-Dowleh hospital recommended that Ayatollah Montazeri stay there for a check-up for 48 hours. Intelligence officials reportedly went to the hospital and told the doctors that it was not expedient for Ayatollah Montazeri to be in Tehran and that he should return to Qom.

90. According to the Iranian newspaper Ressalat of 17 October 1993, a prisoner named Mohsen was condemned by an Islamic Revolutionary Court in eastern Iran to hand amputation on charges of robbery and drug dealings. Mohsen's hand was amputated in a prison in the city of Mashhad.

91. It was also reported that four fingers of the right hands of 14 persons were chopped off in August 1993 by orders of the Islamic Revolutionary Courts for disturbing public order.

D. Administration of justice

92. Concern was expressed at the lack of transparency and predictability in the application of Iranian law. On 26 June 1992, the Head of the Judiciary, Ayatollah Mohammad Yazdi, stated during his Friday prayer sermon at Tehran University that the laws that were the criteria for action were taken from different Islamic treatises (Resaleh) and the Tahrir-Ol-Vassileh, work of legal exegesis by the Leader of the Nation, Imam Khomeini. It was said that those treatises might be mutually antagonistic, leaving uncertainty about what could be considered to be applicable legislation in the Islamic Republic of Iran.

93. It was further said that fatwa or religious opinions issued by qualified moitahedin had played a major role in court decisions, and that in itself had undermined the principle of equality before the law and contributed to the issuing of confusing and often inconsistent judgements by Iranian courts. The institution of the fatwa was said to militate against the principle of equitable application of the law in all cases. It was said that there were many examples where the court's verdict or judgement had been based on the opinion of a moitahed rather than on codified legislation. In cases involving loosely defined capital offences, people have reportedly been deprived of their lives, based on an individual personal interpretation. It was also said that even in civil matters, fatwa had played a major role in court decisions and that there were numerous instances of property being seized on the basis of fatwa.

94. It was said that the multiplicity of interpretations of the law and its application, the wide disparity in sentences handed down by the courts for the same offence and the inconsistencies and unresolved tensions in the Iranian legal system undermined the rule of law. Under article 167 of the Constitution, judgements are to be delivered, in the absence of a codified law, on the basis of authoritative Islamic sources and authentic fatwa.

95. With regard to the judiciary, it was alleged that, on 16 October 1986, the Majles approved a law that permitted the Supreme Judicial Council to employ judges with little formal education and minimal experience. According to the law, published in the Official Gazette No. 12160 of 8.9.1365 (November A.D. 1986):

> "The Supreme Judicial Council is authorized to appoint persons who have been working in Revolutionary Prosecutors' Offices in judicial positions for more than three years as judges of the Prosecution Offices and Courts, without regard to the Legal Bill on the Qualification of Judges, provided that they possess at least the High School Diploma or are approved by the Supreme Judicial Council, and provided that the candidates of either category are able to pass an examination on the Civil Procedure Code and the Islamic Penal Code."

It was alleged that, over time, the requirements for experience had become less stringent, leading to an even less qualified and ultimately a less independent judicial body.

96. It was also reported that the safeguards available to judges accused of disciplinary offences had been substantially diminished. Judges could now be accused of offences not defined in law, such as failing to abide by "Islamic considerations" or "the interests of the society". Lack of any safeguard against arbitrary removal of judges and dismissal without any judicial inquiry has severely undermined the independence of the Iranian judiciary. It was said that the rights of judges subject to disciplinary proceedings to a fair hearing and to an independent review of the decision of the disciplinary authority were not respected.

97. On 12 February 1993, Ayatollah Mohammad Yazdi, the Head of the Judiciary, stated that in accordance with Islamic penal law the punishments for certain offences had been laid out by canons, which in legal terminology are called hudud, and punishments for other offences (ta'zirat) were left to the discretion of the religious judges. In the legal system of Islam, the laws and canons were religion. The legal system of non-Muslim countries was based on the experience of mere human beings, but the foundation for all Islamic law was divine revelation.

98. It was reported that, during 1993, no defendants in political trials before Islamic revolutionary courts were known to have received legal assistance, in spite of the new legislation introduced in October 1991 to permit defendants the right to appoint a defence lawyer. It was further reported that no provision appeared to have been made to allow those previously tried without the benefit of legal counsel to seek fair retrial.

99. In its reply of 27 October 1993, the Government stated the following:

> "The law protecting the right of parties to litigation to be represented by an attorney is strictly adhered to by the judiciary and the revolutionary courts of the country. Violations of the rules of the law governing the right to counsel are processed and adjudicated by the High Court Judges Discipline. In this connection, the High Court found 17 judges guilty of such violations during the past year. The names of these individuals had previously been submitted to the Centre for Human Rights."

100. It has been reported that there is currently no definition of political offences and no law has been passed to implement or explain article 168 of the Constitution. In political cases, trials are almost always held in secret, often lasting only a few minutes, and the detainee has no access to legal counsel at any stage and is denied the right to appeal both against the conviction and the sentence. If a death sentence is passed, execution may be carried out within days of conviction. It was also said that despite repeated official claims that problems with the Islamic revolutionary courts were being rectified, there was no indication of any improvements in practice. It was reported that under article 130 of the Code of Penal Procedure, the accused could not communicate with his/her family or friends if contacts with other persons could lead to destruction of evidence or collusion with witnesses.

101. By its letter dated 27 October 1993, the Iranian Government stated that:

> "Opposition to the Government and its objectives is not considered anti-revolutionary and therefore criminal activity. Only those crimes committed by armed opposition groups using terrorist tactics, which lead to the killing of civilians and military personnel and are carried out with the intention of creating tension and fear in society, are punished in accordance with Iran's penal code. Again, even in these cases, pardon granted by the victim's immediate relatives leads to referral of such cases to the Commission of Pardons and Amnesty."

102. It was further alleged that the right to be presumed innocent, guaranteed in article 14.2 of the International Covenant on Civil and Political Rights and in the Constitution of the Islamic Republic of Iran, is clearly lacking in a system in which guilt or innocence is not based on clearly codified laws, but on the interpretation of numerous texts and the imprecise quantification of religious or societal interests.

103. With reference to the nine preceding paragraphs, the Government of the Islamic Republic of Iran stated:

> "Because responses to these allegations require investigation and thorough research, we request more time to complete our inquiries and coordinate a response through the Centre for Human Rights, which will in turn communicate with the Special Representative."

104. Concern has been expressed to the Special Representative about the practice of videotaped confession, which may have been extracted under pressure as a result of torture or ill-treatment. It was said that such videotaped confessions undermined the possibility of the defendants' receiving a fair trial. Some political prisoners have been released only after agreeing to give videotaped interviews, sometimes lasting several hours, in which they confess at length to their alleged wrongdoings, denounce their political organization and pledge support for the Islamic Republic of Iran. Such interviews may then be shown on television. It was reported that Abdollah Bagheri's videotaped confessions were broadcast on television in Iran at the beginning of 1993. Mr. Bagheri, a former member of the Kurdish opposition group, Komala, was arrested at the beginning of November 1992 outside Mariwan, close to the border with Iraq. It is not known whether he has yet been charged and there is no information regarding the date or place of his trial. It was pointed out that Mr. Bagheri's videotaped confession might seriously undermine the possibility of his receiving a fair trial. The videotaped confession of another member of Komala, Mr. Towfiq Aliasi, was reported to have been broadcast on local television in Sanandaj in August 1992, some days before his execution.

105. Mr. Ali Mozaffarian's videotaped confession, which may have been obtained as a result of physical or psychological pressure, was broadcast on television in Shiraz and in the streets of Kazerun and Lar. He was a well-known surgeon and one of the leaders of the Sunni Muslim community in Fars province in southern Iran and was convicted of spying for foreign countries, adultery and sodomy. Mr. Mozaffarian was arrested in his office in late 1991, a day after he and other Sunni leaders had attended a meeting in Shiraz in the

house of the Friday prayer cleric, Ayatollah Haeri, to discuss deteriorating Sunni-Shiah relations in Fars. Reportedly, his arrest was in connection with his refusal to take part in a prayer for unity and his outspoken opposition to the Government. He was tried and executed in Shiraz, following riots in that city in August 1992. It was reported that his trial was unfair, although no information about the proceedings was available to the Special Representative.

106. With reference to the two preceding paragraphs, the Government stated that:

> "It must be stated that televised confessions by Messrs. Abdollah Baqeri, Tofiq Alyassi and Ali Mozzaffarian took place with their consent. These confessions were aimed at informing people of the terrorist and destructive activities of anti-revolutionary groups. The court did not use these confessions as evidence in the trials."

107. According to the newspaper Salam of 19 August 1993, Mr. Jalaledin Farsi, a writer who shot to death Mr. Mohammad Reza Khani, was only sentenced to pay the blood money by Branch 145 of the First Penal Court of Tehran. He was released on bail immediately after his arrest.

108. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that:

> "Mr. Jalaleddin Farsi was tried in a public court attended by reporters. He was exonerated of the charge of the premeditated murder of Mr. Mohammad Rezakhani, and the judge found him guilty of manslaughter. But, because of an appeal by the Tehran Public Prosecutor and by the immediate relatives of the victim, the case has been forwarded to the National Supreme Court. No final decision has yet been made."

109. It was reported that detentions and arrests were made by the State Security Police; the Police Force; the Gendarmerie; the Islamic Revolutionary Guards Corps (Pasdaran); the Revolutionary Committees; the Basijis, irregular paramilitary forces of volunteers who seek to uphold revolutionary ideals; the Islamic Societies; the Political-Ideological Bureau of the Armed Forces; and numerous patrols, such as the patrol to remove street vendors and that to combat improper veiling. It was reported that tens of thousands of Basijis had been ordered to prowl about every factory, office and school to ensure that everyone adhered to the Islamic code. The Basij organization was originally created during the Iran-Iraq war to provide volunteers for the front. After the summer 1992 riots Basij units were revived, rearmed and sent out into the streets to help enforce Islamic law. The Basijis are reportedly under the control of local mosques. It was further said that the Basijis set up checkpoints around the cities and stopped cars to sniff their occupant's breath for alcohol and check for women wearing make-up or travelling with a man not their close relative or husband. It was reported that the Law of Judicial Support for the Basijis, published in the Official Gazette No. 13946 of 8.10.1371 (December A.D. 1992), provided no redress against arbitrary detention by the Basijis.

110. The letter of the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva of 27 October 1993 stated the following:

> "This allegation is denied. This report is unrealistic because, in reality, arrests take place on the orders of judicial authorities. If there is evidence to the contrary, it should be presented. It should be noted that ravines in which there is a likelihood of drug trafficking, members of the police force inspect vehicles reported as suspected carriers of narcotic drugs. These inspections are authorized by judicial authorities. Adherence to Islamic conduct and respect for others are the guiding principles for the police force. The Basijis have not made and do not make any arrests."

111. It was alleged that the lack of an independent bar association had an adverse effect on the administration of justice and a debilitating effect on the potential of lawyers to address deficiencies in their own profession. It was reported that the Iranian Bar Association did not currently enjoy the right to elect its Board independently. It has been alleged that the harassment of lawyers who have tried to carry out their duties on behalf of their clients indicates a tendency on the part of the authorities to identify lawyers with their clients' causes, in contravention of Principle 18 of the Basic Principles on the Role of Lawyers, adopted in 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

112. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that "this allegation is denied".

113. With regard to Iraqi prisoners-of-war, it was reported that, on the occasion of the fourteenth anniversary of the victory of the Islamic Revolution, the Islamic Republic of Iran had unilaterally released some 1,000 Iraqi prisoners. However, there were said to be thousands of Iraqi prisoners of war still being held in Iranian detention camps.

114. In its reply of 27 October 1993, the Government stated that "the report regarding the release of 1,000 prisoners-of-war on that specific occasion is confirmed. However, the allegation that follows is denied."

115. With regard to the condition of Iranian prisoners, on 14 January 1993, the Head of the National Prisons Organization, Mr. Assadollah Lajevardi, stated that the nation's prisons were facing up to two main problems, the shortage of manpower and space to hold prisoners.

116. In its reply of 27 October 1993, the Government stated the following:

> "The intention of the official concerned is achieving an 'ideal environment'. Prison authorities try to maintain optimum international standards in prison conditions and improve any shortcomings."

117. According to a dispatch from Reuters of 26 August 1993, Mr. Lajevardi stated that the country held an average of 99,900 prisoners in the Iranian year ending on 20 March 1993, more than half of them jailed for drug addiction

or dealing. He said that nearly 7,000 were women and about 2,000 were aged under 18. Some 52,000 were jailed on drug-related charges, 9,000 for robbery, 6,000 for financial offences, 5,000 for murder, 4,000 for vice, 2,000 for illegal crossing of borders and 2,000 for battery. He did not specify the offences of the rest, but added that prisoners who could learn to recite parts of the Holy Koran by heart would get home leave.

118. On 23 June 1993, the commander of the law enforcement forces of Tehran, Brigadier-General Abdollah Oqabaei, said that from 16 to 23 June 1993, 802 men and women had been detained for wearing unsuitable dress. He added that inspectors in plain clothes were keeping a watch on the law enforcement personnel assigned to carry out the campaign against social corruption; a law in effect since the early 1980s defined the type of clothes Iranians could wear, as well as the amount of make-up women could wear, based on the religious and social practices of the Muslim majority of the Islamic Republic of Iran.

119. The Government of the Islamic Republic of Iran in its reply of 27 October 1993 stated the following:

> "Modest attire and appearance in public is an Islamic requirement for both men and women. Those violating this norm may be stopped and discreetly counselled. The cases mentioned in the previous paragraph are also of this nature."

120. On 13 January 1993, the President of the Republic, Hojjatolislam Ali-Akbar Hashemi Rafsanjani, stated at the anti-drug campaign headquarters in Tehran that a plan to dispatch drug traffickers and addicts to Farour Island in the Persian Gulf was positive and desirable. According to Kayhan International of 14 January 1993, the President had approved related funds for the execution of the plan.

121. In its reply of 27 October 1993, the Government stated that "such a plan has still not been implemented".

122. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 17 December 1993, the following allegations concerning massive arrests.

123. On 30 October 1993, the Iranian newspaper Kayhan reported that the police arrested 190 persons during October 1993 on charges of selling alcoholic drinks and renting out decadent video cassettes, as part of a crackdown on social corruption.

124. According to the Iranian newspaper Abrar of 16 September 1993, police invaded a wedding reception in Tehran and arrested 15 people for violating an Islamic ban on dancing.

125. It was reported that at least 283 persons who were arrested following demonstrations and protests at Mashhad, Khorasan province, during June 1992 are still in prison.

E. Freedom of expression, opinion and the situation of the press

126. The Special Representative received a number of allegations concerning freedom of expression, opinion and the situation of the press which were communicated as an integral part of the memorandum sent on 20 September 1993 to the Government of the Islamic Republic of Iran for its investigation, consideration and comments.

127. The Director of a scientific journal and three of his colleagues were arrested in Tehran in April 1992 for having published a caricature which was considered offensive to the memory of Imam Khomeini. Mr. Naser Arabha received a six-month prison sentence for having violated the Press Act. Mr. Karinzadeh was sentenced to one year's imprisonment and a fine of 500,000 rials. The editor of Abrar, Mr. Ghafour Garshassbi, received a summons to appear in a Tehran court on 3 March 1993 for the publication of different articles that were considered scandalous, slanderous and offensive.

128. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated the following:

> "Firstly, the Director of Farad was summoned to court because of violations of item 27 of the Media Law, as well as several complaints against him. His case was investigated. Secondly, this person is currently free and not under arrest. Thirdly, the resolution of all media litigation takes place within the framework of law and lies within the jurisdiction of the judicial branch. Media litigation cases are heard in the presence of a jury; this method is used consistently throughout the country. Any media outlet in violation of the law is investigated accordingly."

129. On 14 May 1993, a group of motorbikers broke into the offices of the magazine Kian. The No. 11 issue of the magazine included an interview with Mr. Mehdi Bazargan who was Prime Minister of the First Revolutionary Government. The assailants shouted "Death to Bazargan" and called for Kian and other magazines regarded as liberal to be shut down; meanwhile they broke windows, tables and chairs, according to the newspaper Kayhan of 15 May 1993.

130. On 27 October 1993, the Government stated that:

> "Following this magazine's interview with Mr. Bazargan and the discussion of issues related to the sacred eight-year defence and relations with the United States, a number of families of martyrs and fighters rallied near the offices of the publication to protest the printing of words that caused them emotional distress. That this magazine has so far been published with no interference invalidates the allegation. It proves that those overseeing the country's media conduct themselves in accordance with the law and do not represent sectarian interests."

131. The Director of Kayhan, the daily newspaper with the largest circulation, Mr. Mehdi Nassiri, received a summons to appear in a Tehran court on 28 August 1993, where he was interrogated and then released pending trial. The charge was that his newspaper had criticized the

dismissal from office of three high-ranking judicial officials ordered in April 1993. It seems that Mr. Nassiri has been barred from leaving the country.

132. The weekly newspaper Avay-e Shomal was closed down for having published a photograph of a semi-nude actress in its issue of 29 December 1992, according to Kayhan of 18 January 1993. The Director of the daily newspaper Salam, Mr. Mohammad Mousavi Khoeiniha, received a summons to appear in court following charges in connection with certain articles published in the last few months. Mr. Khoeiniha described the action as illegal and said it was connected with Salam's criticisms of the Government. Moreover, the editor-in-chief of Salam, Mr. Abbas Abdi, was arrested by order of the Revolutionary Court without being told what the charge was, according to a cable from Agence France Presse of 28 August 1993.

133. With reference to the two preceding paragraphs, the Government of the Islamic Republic of Iran replied that:

> "First of all, the publication entitled 'Northern Voice' is currently being printed. Secondly, item 28 of the Media Law prohibits printing photographs violating public decency. This is in keeping with peoples' desire to preserve a society untouched by common and corrupt values, which, even in the West, have aroused the outcry of many intellectuals and community organizations."
>
> "The information in paragraph 116 and the second part of paragraph 117 is accurate. Article 30 of the Media Law prohibits any printed material that includes slander and accusation. The responsible party is, in these cases, summoned to court for investigation. It is a matter of pride for Iran that even the highest judicial authority must file a complaint against a publication like all other citizens."

134. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 17 December 1993, the following allegations regarding the freedom of expression, opinion and the situation of the press.

135. It was reported that in July 1993, a University professor was arrested because of his speech during meetings in Ferdowsi University at Mashhad, commemorating the Islamic radical thinker Dr. Ali Shariati.

136. It was reported that a Tehran municipality monthly, Hamshahri, was closed on 15 September 1993 for allegedly publishing articles promoting western culture.

137. It was further reported that Mr. Mehdi Nasiri, the editor of the Iranian newspaper Kayhan, received on 16 September 1993 another writ to present himself before a judge in three days' time. The new accusation against Mr. Nasiri was not specified in the writ. Mr. Nasiri had been summoned to a special tribunal for clerics on 28 August 1993.

138. On 24 September 1993, Mr. Mahmoud Asghari, the Managing Director of Kayhan, was reportedly arrested.

139. On 18 September 1993, the Iranian newspaper Salam wrote "Unfortunately, when we independently report events, some people start a premeditated campaign against us. This plot is now at work with the purpose of closing down our newspaper. On the other hand, any time we try to get some information about affairs of the State, they either do not give us any, or they give cliché answers of which no reader will be convinced".

140. It was reported that in September 1993, the Islamic Revolutionary Court in Tehran issued a writ for the arrest of Mr. Abbas Abdi, editor-in-chief of the Iranian newspaper Salam. The Salam publisher, Mohammad Moussavi Khoiniha, who was also summoned to the Special Tribunal for Clerics several days later, argued that if Mr. Abdi was charged with violation of the Press Law then he should be served with a summons by the special courts prescribed under the Press Law and not by an Islamic Revolutionary Court. Mr. Abdi was reportedly seized when walking in the street with his wife and children. His wife and children were also arrested, but were released later.

141. It has been alleged that gangs of vigilantes claiming to protect Islamic values issue death threats and attack publications they disapprove of, with the tolerance of the authorities and without fear of prosecution.

142. It was reported that, on 13 August 1993, the authorities ordered the withdrawal of all books by Mr. Aziz Nasin, a Turkish writer, reportedly because of his support for Salman Rushdie. The Minister of Culture and Islamic Guidance warned all libraries in the country that they will be punished if they sell Mr. Nasin's books.

143. An editorial in the Iranian newspaper Gozaresh-e-Hafteh of 21 November 1993 stated the following:

> "When we started work and chose journalism as our main profession we had the impression that we would be able with our criticisms and fault-finding to rectify the system's shortcomings and establish a powerful transmission channel between the people and the system. But unfortunately, it was proved we were wrong. Why is it that our press lacks the kind of effectiveness and influence it should otherwise enjoy? Why is it that some officials continue to retain office despite all that documented press criticism? We think we have the answer to this question. The genuine press draws its strength from the people. For instance, a critical article about an incompetent government organization or office could immediately enlighten the public mind on what is really going on there, and following that the people, due to their authentic, practical involvement in their own political destiny, would be able to influence and alter the state of affairs with the levers they control. But unfortunately, in our country the people are not yet able to intervene or partake in their own political destiny and do not have that lever. That is why our press, despite the relative liberty it enjoys, is practically deprived of its true strength. And that is why we journalists are writing in the 'vacuum' and the authorities are going their own way".

F. Freedom of religion and the situation of the Baha'i community

144. It has been reported that Baha'is in the Islamic Republic of Iran have, for 13 years, been systematically persecuted, harassed and discriminated against for their religious beliefs. It was alleged that, since 1979, 201 Baha'is had been killed and 15 others had disappeared and were presumed dead. After a cessation of executions for a period of three and a half years, Mr. Bahman Samandari, a member of the Baha'i community in the Islamic Republic of Iran, was arrested on 17 March 1992 and executed in Evin prison in Tehran on 18 March 1992. The prosecutor in the case claimed that the main charge against him was spying. It was reported that a spokesman for the Tehran Revolutionary Prosecutor's Office admitted that Mr. Samandari had been executed because of his cooperation with foreign intelligence services. No evidence whatsoever has been given to support that charge.

145. In its reply, the Government of the Islamic Republic of Iran stated the following:

> "The allegation of harassment is denied. All those who do not disturb public peace and order may conduct their ceremonies. Execution of individuals takes place based on final sentencing by judicial courts, which determine that the crime deserving such punishment has been committed. Nobody is pursued and persecuted because of their beliefs. Explanations about Bahman Samandari have previously been offered."

146. It was further reported that Baha'is continue to be arrested and imprisoned solely on the basis of their religious beliefs. Since 15 December 1992, a further 10 Baha'is have been imprisoned. Their names were given as follows:

Mr. Hushmand Yazdani, arrested in Abidah in December 1992;
Mr. Rafiee Yazdani, arrested in Abidah in December 1992;
Mr. Irfan Ismailpur of Chalus, imprisoned in Bihshahr, date unknown;
Mr. Husayn-Auli Rawshan-Damir, imprisoned on 27 June 1993;
Mr. Daryush Firuzmandi of Karj, imprisoned in Tehran on 8 July 1993;
Mr. Ali Latifi,arrested in Orumiyeh on 7 September 1993;
Mr. Ramidan Ali Dhulfaqari, arrested in Rafsanjan on 21 September 1993;
Mr. Husayn Hur, arrested on 30 October 1993, place unknown;
Mr. Hussayn Ghadanfari, arrested on 30 October 1993, place unknown;
Mr. Tahir Iskandari, arrested on 30 October 1993, place unknown.

147. In addition, it was reported that six Baha'is remained imprisoned. Their names were given as follows:

Mr. Bakshu'llah Mithaqi, arrested in Karaj on 17 October 1985;
Mr. Kayvan Khalajabadi, arrested in Gohardasht on 29 April 1989;
Mr. Bihnam Mithaqi, arrested in Gohardasht on 29 April 1989;
Mr. Husayn Ishraqi, arrested in Isfahan on 1 April 1992;
Mr. Nijatu'llah Bihin-Ain, arrested in Isfahan in July 1992;
Mr. Rabiullah Ismailzadigan, imprisoned in Tehran, date unknown.

148. It was reported that, on 1 April 1992, Mr. Husayn Ishraqi, an elderly Baha'i, was arrested at his home in Isfahan. He is reportedly still in prison. It was also reported that Mr. Nijatu'llah Bihin-Ain, who had been released from prison in January 1990, was again summoned in July 1992 by the authorities and condemned to five years' imprisonment. It was further reported that two Baha'i prisoners, Mr. Bakshu'llah Mithaqi and Mr. Kayvan Khalajabadi, who had been imprisoned without formal charges or trial since April 1989, underwent a second trial in which the death sentences were reaffirmed on 23 November 1993. The Special Representative was able to meet these persons in Evin prison in Tehran during his third visit to the Islamic Republic of Iran. It was said that paragraph D of verdict No. 81 charged the two Baha'is with, among other things, transmitting information to the United Nations, presumably in reference to the interviews the Special Representative had with them during his last visit to Iran.

149. It was also reported that Mr. Raamadan-Ali Dhulfaqari, who is imprisoned in Rafsanjan, was condemned to death for apostasy.

150. It was alleged that Baha'i-owned cemeteries, holy places, historical sites, administrative centres and other assets, seized mostly in 1979, remained confiscated or had been destroyed. Having access only to those cemeteries which the Government has designated for them, Baha'is in many localities experience difficulties in burying their dead. Baha'is are not permitted to mark the graves of their fellow Baha'is, making it almost impossible to identify the graves of their loved ones. The Special Representative was informed that graves of Iranian Baha'is in the Baha'i cemetery of Tehran were being destroyed by order of the authorities and that the remains of human bodies were being loaded into trucks and removed to a destination unknown to the relatives. In this connection, the Special Representative addressed a letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva (for the text of the communication, see para. 7). Subsequent to his letter, the Special Representative was informed that the contractor hired to excavate the site had reportedly been instructed to work in three shifts in order to speed up progress on the project of construction of a cultural centre. The cemetery had been confiscated at the beginning of the Iranian Revolution, at which time the mortuary and memorial hall were demolished, the marble grave coverings were removed and all grave site markings obliterated. The headstones were subsequently sold at public auction.

151. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that:

> "According to letter No. 10/29455 dated 25 September 1993, the municipal authorities in Tehran declared 103 cemeteries located in the city hazardous to public health and the environment. Of these cemeteries, 100 belonged to Muslims, one to Armenians, one to Jews, and one to Baha'is. All of these cemeteries will be converted to public parks for use by all sectors of society. Tehran's municipal authorities have assigned suitable alternative lands for cemeteries where the dead may be buried. The Baha'is' cemetery is located at Khavaran Street in the centre of Tehran, adjacent to the Armenians' cemetery, and it has been an abandoned cemetery since 1978. Since that year, nobody has been

buried there. This cemetery was levelled according to a municipal directive which ordered the conversion of a total of 103 cemeteries. In view of the fact that corpses disintegrate completely with the passing of decades and cannot be transferred to other grounds, this allegation is firmly denied. The adjacent Armenians' cemetery was also abandoned and converted to a park. To preserve citizens' health and the environment, the municipal authorities provided alternative lots to be used for cemeteries."

152. It was recently alleged that approximately 15,000 graves of the Baha'i cemetery in Tehran have been desecrated as a result of this one municipal excavation project.

153. It was also alleged that Baha'i property rights were generally disregarded. It was said that recently the properties of Baha'is of Sayran and Ilkhchi had been confiscated because of their membership in the Baha'i community. Between August and September 1992, Iranian Islamic revolutionary institutions issued, almost simultaneously, notices of the confiscation of a considerable number of properties belonging to individual Baha'is in Yazd, Tehran and Isfahan. It was reported that in Isfahan the home of a Baha'i of over 80 years of age was invaded in mid-September 1992 by several government officers who took away all his belongings. Around the same time, officers of the Attorney-General of Isfahan entered eight other Baha'i homes, taking away books, household items, radio and television sets, recorders, cameras and cash. The Baha'i owners have lodged complaints with the judicial authorities, but without any results so far.

154. In its reply, the Government stated that:

"Depriving people of the rights of ownership of property contravenes the Constitution and all relevant laws. However, in some cases, property is confiscated by judicial authorities as a means of repaying debts to banks or to other individuals. This method is a universal method of debt repayment. The full investigation of this allegation will require more detailed specifics about the individuals in question, the court that confiscated property, and the dates and locations of the incidents.

"The part of the allegation related to the Province of Yazd is denied. The Baha'is in that province engage in daily economic and commercial activities without any interference. To investigate the other parts of the allegation, more information and detail are required. The absence of any specific information on the identity of the individual makes the pursuit of this matter for further verification difficult. Specific information on this individual should be presented to allow us to address the matter."

155. It was further alleged that members of the Imam Khomeini Foundation sporadically seize the homes of Baha'is and harass the occupants. It was added that the confiscation of property is one of the ways the Iranian Government is systematically eroding the economic base of the Baha'i community.

156. It was further alleged that many Baha'is in the Islamic Republic of Iran continued to be deprived of the means of earning a living. More than 10,000 Baha'is had been dismissed from positions in government and education in the early 1980s because of their religious beliefs. A considerable number of them remained unemployed and received no unemployment benefits. The retirement pensions of Baha'is dismissed on religious grounds had been terminated. Some Baha'is dismissed from government posts had even been required to return salaries or pensions paid to them. It was also said that Baha'is were not officially allowed to open their own businesses. There had been incidents of harassment in the cities of Karaj and Aran in Kashan where Baha'is had been ordered to close their stores. Baha'i farmers were denied admittance to farmers' cooperatives, which were often the only source of credit, seeds, pesticide and fertilizer.

157. With regard to the preceding paragraph, the Government replied, on 27 October 1993, the following:

> "The allegation that 10,000 Baha'is were dismissed from government positions is baseless. The right to fire individuals according to guidelines provided by the Ministry of Labour and Social Affairs has been bestowed upon supervisors. Workers of all ethnic groups or religions may be fired within the framework of these guidelines. The Government plays no role in such cases of termination of employment, and individuals have the right to file a complaint with the Commission on Conflict Resolution or ultimately with the Tribunal of Administrative Justice. The allegation that salaries and benefits were not paid is also denied. The Organization of Employment Affairs of Iran has announced that the salaries and benefits of all Baha'i retirees are paid without any restrictions. If the salary of any citizen has not been paid because he is Baha'i, the case will be investigated if specific information on the person is received."

158. It was further reported that an entire generation of Baha'is had been denied higher education. For over 13 years Baha'i youths had been systematically barred from institutions of higher education. It was also alleged that Baha'is experienced difficulties in circulating Baha'i books among themselves.

159. With regard to their civil rights, it was alleged that Baha'is in the Islamic Republic of Iran continued to be deprived of protection under the law because of their religious beliefs. It was said that neither Baha'i marriages nor divorces were legally recognized in the Islamic Republic, and that the right of Baha'is to inherit was disregarded. Baha'is were not free to travel outside the country. With the exception of a few cases, it was almost impossible for them to obtain passports and exit visas. It was also alleged that for the past 10 years the Baha'i community had been denied the right of assembly and the right to elect and maintain its administrative institutions. Those institutions constitute the core around which Baha'i community life revolves. Given that the Baha'i faith has no clergy, being deprived of its institutions threatens the very existence of the Baha'i community as a viable religious community.

160. With regard to the preceding paragraphs, the Government of the Islamic Republic of Iran stated that "paragraphs related to Baha'is are repetitive. These have been answered previously".

161. Subsequent to his interim report to the General Assembly, the Special Representative received the following allegations concerning the freedom of religion and the situation of the Baha'i community.

162. It was alleged that verdict No. 508-30/6/72, issued by Branch No. 4 of Penal Court 1 of Shahr-i Ray on 21 September 1993, acquitted Messrs. Sulayman and Rahman Iynullahi, sons of Hasan, who had jointly participated in the abduction and subsequent deliberate murder of an Iranian Baha'i, of the death sentence and of the liability of paying blood money because "the victim was, according to the testimony of all the next of kin, the plaintiffs, and the residents of the area where he lived, a member of the misled and misleading sect of Baha'ism". The verdict was based on the second provision, on page 519, of volume II, of "Tahriru'l-Vasilih" of the late Imam, and other books of jurisprudence such as the "Javahiru'l-Kalim", where it is stated that "One of the prerequisites for Quesas (retaliatory punishment) is when both parties are of the same religion, thus when an infidel is killed by a Muslim, the punishment is not applicable". The Penal Court considered, however, that the action committed by the murders was "illegal, upsets public order and security, and disturbs the well-being of the sacred order of the Islamic Republic". Accordingly, each of the above-mentioned two accused was sentenced to 18 months of corrective imprisonment, inclusive of the period of their detention prior to the issuance of the verdict.

163. It was reported that on 1 February 1993, the National Educational Evaluation Council of the Ministry of Culture and Education issued a circular letter to the applicants to the annual national examination for the academic year 1372/73 (1993/94), informing them that if the applicants did not specify their religion on the registration document (only Islam, Christian, Jewish or Zoroastrian) their applications to university would be cancelled.

164. It was reported that on 30 November 1992, the Martyrs' Foundation of the Islamic Revolution refused to grant compensation to an Iranian citizen because "he, his mother and the rest of his family members are associated with the misled sect of Baha'ism".

165. On 2 February 1992, the Director-General of the Retirement Organization of the Islamic Republic of Iran rejected the payment of retirement benefits to an Iranian citizen "because he is a member of the misled sect of Baha'ism". The decision was based "in the decree left by the Imam Khomeini, which is as a law and which must be enforced".

166. It was reported that verdict No. 21025 issued by the Third Branch of the Islamic Revolutionary Court sentenced an Iranian woman to the "confiscation of all her belongings, known and unknown, including all the properties she has transferred to others", on charges of "being a member of the most misguided Baha'i sect, for activities in support of illegal organizations and for leaving the fold of the Islamic Republic". All her belongings were put "in the hands of the chosen trustees of the Vali-i Faqih".

167. It was alleged that the Office of the Public Prosecutor of the Islamic Republic reported, in September 1992, that the head of the First Branch of the Islamic Revolutionary Court had approved a verdict of confiscation of the belongings of an Iranian Baha'i, as well as of her brother and father, "on the basis of the authority vested by the Supreme Guide in the Heads of Islamic Revolutionary Courts, and that it is therefore final and applicable".

168. It was further reported that a verdict issued in January 1992 by Branch No. 143 of the Penal Court of Tehran No. 1, presided over by Hojatoleslam Muhammadi, dismissed the case of paying indemnity for an Iranian Baha'i killed and another injured in an automobile accident, on the grounds of their being Baha'is, and stated that the prosecution against the accused should be stopped. The verdict was issued "according to Islamic law, based on the decree of the late Imam recorded on page 559, section 31, of his book "Tahriru'l-Wasilih", in which he states that, except for the "Ahl-i-Dhimma", followers of other religions, whether or not they have accepted the Covenant or have received the Message of Truth, will receive no indemnity."

169. On 7 May 1993, the commander of the Troop of Border Guards, First Division, General Siyyid Ali Musavizadigan, requested that Baha'i soldiers be referred to another organization on the grounds of their "religious uncleanness" and considering the sensitivity of the work involved.

170. It has been reported that a bishop of the Chaldean Christian Church has been expelled from Iran. It was further said that the Chaldean Bible Society and some Chaldean churches and schools have been closed.

G. The situation of women

171. It was alleged that women needed their husbands' permission to work or travel abroad. It was also alleged that women were not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates. It was further alleged that women were excluded from a very large number of specific subjects at the university level. It was alleged that a woman's share of an inheritance was only half that of a man.

172. With regard to the preceding paragraph, the Government of the Islamic Republic of Iran replied, on 27 October 1993, the following:

> "First sentence: According to Islamic law, women must ask for their husbands' permission to travel. This is based on the assumption that by consenting to marry, the woman has agreed to this condition. On the other hand, if at the time of marriage, both parties agree to behave differently, the details should be specifically defined on the certificate of marriage.
>
> "Second sentence: This allegation is unrealistic.
>
> "Third sentence: This allegation is denied.
>
> "Fourth sentence: This is one of the primary principles of Islam corroborated in the Koran. The Civil Law is based on this principle."

173. According to the newspaper Salam of 18 February 1993, many women in south-western Iran were beheaded by their male relatives in punishment for real or imagined sexual misconduct. In a report on a deadly honour code among Arab clans in Khuzestan province, Salam said the killers often went free because of legal loopholes and because they had full support from their clan, which took pride in the murder. It published a letter that quoted a court official as saying:

> "The tribesmen would sometimes kill a woman for just a smile, for liking a boy from another clan, even for throwing a glance at someone or sticking her head out of the house. Sometimes clan councils decide in cold blood to have a woman beheaded and the most zealous may present volunteers to do it."

The letter said that the whole clan united to shield the killer from punishment, by threats or offers of money to courts, police or relatives of the victim. Every year a large number of women and girls were beheaded and in almost all cases the coroner found no evidence of sexual misconduct, according to the letter.

174. In its reply of 27 October 1993, the Government replied that:

> "This allegation is denied. Punishment is meted out only by competent courts and when, on the basis of due process of law, charges have been proven. It must be added that within the framework of Iran's penal laws, such an act constitutes premeditated murder and is to be pursued by penal authorities. To date, a number of those who have murdered their daughters have been pursued and punished accordingly. The Islamic Republic of Iran will investigate any reported instances of such crimes."

175. According to the newspaper Ettela'at of 26 May 1993, Mrs. Shoja'i, counsellor on women's affairs to the Minister of the Interior, stated that while professional jobs for women had increased by 40 per cent, women's employment generally had been decreasing by 2 per cent annually.

176. On 27 October 1993, the Government stated that "the statement made by this person was not quoted in its entirety".

177. It was reported that, on 20 and 21 June 1993, security agents set up several checkpoints and covert and undercover patrols in different cities, particularly in Tehran, arresting and imprisoning hundreds of women on the charge of improper veiling and non-Islamic attire, during a campaign for the promotion of virtue and prohibition of vice.

178. In its reply of 27 October 1993, the Government stated that "this allegation is denied".

179. It was reported that, on 25 May 1993, Ms. Roya Ansari, aged 24, was hurt by acid being thrown in her face by agents of the Pasdaran, during a campaign against improper veiling in Isfahan. She has reportedly lost her eyesight.

180. On 27 October 1993, the Government stated the following:

> "This allegation is denied. These actions are in violation of the country's laws, and those guilty of committing such actions will be investigated under the rules of law."

181. According to Salam of 4 March 1993, members of a patrol to combat vice and social corruption occupied a girls' school in Tehran and divested the girls of their jewels and adornments. According to the newspaper Jomhuri Eslami of 24 June 1993, a number of inadequately covered women rounded up in a clamp-down on vice and un-Islamic dress in Tehran were sentenced to flogging. General Abdullah Oqbasi, chief of police of Tehran, stated that 802 men and women had been arrested over the previous two days and taken to the Anti-Vice Bureau. It was said that 80 per cent of those detained were under 20, people who had studied in post-revolutionary schools and grown up in the Islamic system. Residents said some men and women were detained for wearing dark glasses.

182. In its reply of 27 October 1993, the Government stated the following:

> "First two sentences: The accuracy of this allegation is denied. Such initiatives are in violation of the country's laws, and the judicial authorities deal decisively with anyone responsible for such violations.
>
> "Third through final sentences: This issue has been distorted. The speaker made statements before and after these sentences that prove their meaning to be different from what has been alleged. Besides, those arrested simply received counselling at the Office for Combating Corruption, and then they were freed. Nowhere in the law is there a punishment decreed for the use of sunglasses."

183. According to Ettela'at of 18 May 1993, it was not possible for a young unmarried woman to go on the pilgrimage of Imam Reza to Mashhad on her own, because the hotels did not rent rooms to young women. Travel-pilgrimage tours did not allow participation of unmarried women under 50 years of age.

184. In its reply, the Government stated that "this allegation is denied".

185. It was reported that Ayatollah Khaz'ali, a member of the Council of Guardians, had stated:

> "Iranian youth have not shed their blood and been martyred so that you, women, can flaunt your hair and corrupt our youth. The Basijis now have the role of the judicial police and can warn women and if they do not take heed can directly arrest them."

186. On 27 October 1993, the Government stated that:

> "Firstly, this issue was distorted, and statements by the speaker before and after these sentences disprove the alleged meaning. Secondly, the Basijis do not have the right to arrest individuals, and the statements of an irresponsible party do not bestow such authority upon Basiji forces."

187. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 17 December 1993, the following allegations concerning the situation of women.

188. According to the Iranian newspaper Ressalat of 2 November 1993, the police raided a private party in west Tehran arresting 26 girls that were not wearing veils.

189. According to the Iranian newspaper Hamshahri of 29 September 1993, the Islamic Consultative Assembly (Majlis) defeated for the second time a motion for a parliamentary women's committee. Muslim cleric and parliamentary deputy Abbas Abbasi stated that "Women must accept that men rule over them and the world, too, should know that man is dominant. If a women's committee is to be set up we should also form a men's committee. If this motion is carried we will be hearing murmurs tomorrow about a minister for women's affairs", he said.

190. It was also reported that the Majlis rejected a bill which would allow unmarried female doctors aged 28 or less from leaving the country to further their studies.

191. On 16 December 1993, the Iranian newspaper Salam reported that Mr. Abbas Abbasi complained in the Majlis that an un-Islamic atmosphere in Iran is preventing men from taking several wives. "Who has said that the best man is one who lives with one woman all his life? Why have we created this atmosphere? God's Prophet had eight wives and kept them in the same house", he said.

H. The situation of children

192. According to Salam of 27 May 1993, every year 1 million children remain illiterate owing to insufficient educational and teaching facilities.

193. In its reply of 27 October 1993, the Government of the Islamic Republic of Iran stated that:

> "The issues covered by the newspaper Salam have been distorted. This newspaper presented statistics on the numbers of the country's students and the rate of population growth to argue that if attention is not paid to this issue, in the coming decade 1 million children are likely to remain illiterate. The newspaper makes specific suggestions to deal with the situation."

194. The newspaper Jahan-e-Islam of 27 May 1993 reported that the principal of Doroshti elementary school in Karaj questioned an ill-disciplined student for unjustified absence and pulled off his fingernails as a physical punishment. Mr. Alizadeh, the student's father, stated:

"After the nails of my child were pulled off, several members of the neighbourhood's Islamic Council, of the Evaluation Unit of Educational District 2 of Karaj and of the school's faculty came to my house and asked me not to complain to the authorities."

195. On 27 October 1993, the Government informed that:

"In connection with this allegation, those responsible at the Ministry of Education investigated the case, fired the delinquent party from his post and referred the complaint by the parents of the student and all related documents to the courts for adjudication of the case."

I. Right to work

196. It was alleged that, on 30 January 1989, Mr. Ali Mohammadi Vavsari was arbitrarily deprived of his right to practise medicine by the General Department of Graduate Affairs of the Ministry of Health and Medical Education, through its letter No. E/5/M/337. Mr. Vavsari lodged a petition with Branch 16 of the Administrative Court of Justice, on the basis of which the Court, in its verdict No. 303 of 9 September 1992 (file classification 1608/16/68), ordered the nullification of the letter of the Ministry, which it considered legally unfounded. The Ministry demanded a rehearing. The Administrative Court then annulled its previous verdict, allegedly without an accurate study of the case and observation of the legal procedure, and without allowing Mr. Vavsari effective defence. The rehearing took no more than a few minutes. In addition, it was alleged that the Ministry had ordered the destruction of Mr. Vavsari's university records.

197. On 27 October 1993, the Government reported that "this case is being investigated".

198. It has been reported that foreign physicians working in the Islamic Republic of Iran under the Ministry of Health and Medical Education had not been given back their insurance premiums and severance benefits at the time of their final departure from the country, in violation of article 5 of the Social Welfare Law and article 24 of the Labour Law.

199. In its reply, the Government stated that "this allegation is denied".

J. Right of everyone to own property

200. It has been reported that people's rights have been disregarded as a result of the wide powers given to the officials in charge of the Qeshm Island Administrative Authority of the Free Trade Zone. It was alleged that private residential homes had been destroyed or occupied without any regard or recourse to the law, that possession had been taken of private and commercial property without regard to legal documents on ownership and that taxes had been collected without legal authorization.

201. On 27 October 1993, the Government stated that "this allegation is denied".

202. It was reported that certain restrictions had been placed on foreigners in such areas as ownership rights and the right to form companies dealing with commerce, industry, agriculture or mining.

203. In its reply, the Government stated that: "Instituting laws and making decisions in this connection are the prerogatives of the legislative branch of the Government".

K. The events of 25 May 1993

204. It was reported that, on 25 May 1993, two F4 fighter bombers and 10 Sukhoi planes raided the Ashraf base of the so-called National Liberation Army of Iran, 90 kilometres inside Iraqi territory. Another base in the city of Jalula in eastern Iraq was simultaneously attacked by two fighter bombers of the Iranian air force.

205. It was also reported that on 29 June 1993 the Secretary of the Supreme National Security Council, Mullah Hassan Rohani, declared in a statement:

> "Henceforth we will launch preemptive attacks against the People's Mojahedin Organization's bases inside Iraq and we will not wait to act in self-defence."

206. With reference to the two preceding paragraphs, the Government of the Islamic Republic of Iran replied, on 27 October 1993:

> "The activities of groups opposing the Islamic Republic of Iran originate in Iraqi territory and take place with the support of the Iraqi Government. These activities have led to the deaths of tens of people and injury to defenceless villagers at the borders. Based on the Charter of the United Nations and the principle of self-defence and the protection of citizens of border areas, the Islamic Republic of Iran deems it her legitimate right to take the necessary and appropriate steps to deal with terrorist acts in these areas."

L. The situation of the Kurdish and Naraoui people

207. It was reported that tensions between the Government of the Islamic Republic of Iran and Sunni Muslims belonging to the Naraoui tribe in the Baluchistan-Sistan region of south-east Iran had resulted in a number of armed clashes and the arrest and detention of scores of Naraouis. Many of those arrested were reported to be still detained without charge or trial at Zahedan prison. Others were reportedly sentenced to death or prison terms after allegedly unfair trials.

208. In its reply, the Government stated the following:

> "In Sistan and Baluchistan, there have been no altercations due to ethnicity or ideology between the Government and the Baluchis or other traditional groups. The Islamic Government regard the rights of Sunnis as highly as it does the rights of Shiites. The altercations in the area were between military forces and drug traffickers who intend to smuggle thousands of tons of narcotics through Iran into Europe each year. These

circumstances are due to the fact that Iran is adjacent to the area of the Golden Belt, the major source of production and export of narcotics in the Middle East."

209. It was alleged that since the day of the Islamic Revolution, over 40,000 Iranian Kurdish civilians and approximately 5,000 cadres and militants of the Democratic Party of Iranian Kurdistan had lost their lives. It was said that hundreds of Kurdish villages had been totally destroyed or emptied of their inhabitants. It was reported that Iranian military forces had carried out indiscriminate shelling of villages along the border areas of Iraqi Kurdistan. On 13 March 1993, Iranian planes bombed the Kurdish Democratic Party of Iran headquarters in Iraqi Kurdistan, near Sulaimaniya, killing four persons and injuring a large number. In April 1993, Iranian forces were reportedly deployed in Haj Omran and Penjwin, several kilometres inside Iraqi territory, causing 500 Kurds to flee. On 4 August 1993, Ranieh and Ghaleh Dizeh villages in Iraqi Kurdistan, 20 kilometres inside Iraq, were bombarded during a campaign against the Kurdish people on both sides of the Iran-Iraq border.

210. In its reply of 27 October 1993, the Government stated that:

"This allegation is denied. It is necessary to explain that the Kurdish Democratic Party of Iran has so far murdered hundreds of citizens and destroyed residences in the north-western areas of the country through savage acts that have made these areas insecure. This Party's activities are illegal, and it is based in Iraq. Its collaboration with Iraqi intelligence agencies and its quest to establish an independent Kurdish regime through disorder, murder and plundering have left behind a dark and gruesome record over the last 13 years. An investigation of this Party's terrorist crimes found out that more than 16,550 Kurds of Iran have been killed by members of this Party, 1,290 tractors and other equipment owned by villagers were set ablaze, 5,620 residential units were destroyed and their residents became vagrants in the mountains. Also, to date, more than 250 renegade ex-members of this Party who sought asylum in Iran have been murdered by the Kurdish Democratic Party. In conclusion, the Islamic Republic of Iran declares that it will persist in its old policy of granting pardon to members of this anti-revolutionary and terrorist group."

211. It has been reported that recent Kurdish efforts to rebuild the area of Sulaimaniya, on the Iraqi side of the Iran-Iraq border, are under threat from the Iranian armed forces. It was alleged that the Government of the Islamic Republic of Iran had decided unilaterally to create a 15-mile empty zone on the Sulaimaniya-Iran border by driving Kurds out of the area and levelling houses and all other buildings.

212. In its reply, the Government stated that "this allegation is denied".

M. Political rights

213. It was reported that government agents are continuosly harassing members and sympathizers of the Freedom Movement of Iran (FMI), an Iranian opposition group headed by former Prime Minister Mr. Mehdi Bazargan. In a statement

adressed to the Minister of Information, the Freedom Movement of Iran stated that "Every day our members are detained and subjected to interrogation and intimidation in order to force them to serve as informers or cease their activities with our movement".

214. It was reported that under a law passed on 24 October 1993 by the Majlis, Iranian civil servants are threatened with severe penalties for, inter alia, taking part in demonstrations or protest actions, entertaining unauthorized contacts with foreigners, membership in anti-regime or heretical organizations, membership of a freemason society and for causing political discontent and disaffection among people. The penalties prescribed in the law vary from oral and written reprimand, temporary and permanent dismissals, perpetual disqualification from working in public administration, cuts in salaries and temporary transfer to other provinces to lowering of the employee's civil service professional grade and status.

N. Situation of refugees

215. The Islamic Republic of Iran contains the highest number of refugees in the world. The number of refugees is currently put at 2,300,000. Since 1991, it has fallen by two million: it peaked that year at 4,300,000.

216. The refugees are chiefly Afghans and Iraqis by nationality. There are 2,200,000 Afghans. In 1990 there were as many as 2,900,000. They began to arrive in Iran in 1979, after the invasion of Afghanistan by Soviet troops. A voluntary repatriation programme was launched in December 1992, reducing their numbers by 700,000. Under a tripartite agreement between the Governments of Afghanistan and Iran and UNHCR, five exit stations were set up on the Afghan-Iranian border. There each returning Afghan refugee receives US$ 25 from UNHCR and 50 kilogrammes of wheat provided by the World Food Programme. Transport from Iran to the exit stations on the border is provided by the International Organization for Migration with funds from UNHCR. To date, IOM has transported 80,000 Afghan refugees to the stations.

217. Most of the Afghan refugees live in hamlets set up in the vicinity of Iranian towns. Only a minority live in refugee camps. Many work in the building sector. UNHCR provides health services, additional food, drinking water, shelter, education, career guidance and communal facilities. The World Food Programme has supplied food aid to 260,000 Afghan refugees.

218. The number of Iraqi refugees is currently increasing towards 100,000. The refugees are mainly Kurds and Shiite Muslims. About 60,000 live in refugee camps, according to a joint UNHCR/World Food Programme mission which visited Iran in May 1993. The remainder (40,000 or so) live in rural settlements. They began to arrive in April 1991, after the Iraq-Kuwait war and the ensuing repression by the Iraqi authorities of the Kurdish population in the north of Iraq and the Shiite Muslims in the south. At that time, 1,400,000 Iraqi Kurds arrived in Iran. Most of these refugees went back to Iraq, however, during the course of 1991.

219. Another migratory surge occurred in June 1993, with the arrival in Iran of 5,000 refugees from the south of Iraq, most of them Shiites. It is feared that this influx may be followed by other, larger ones in 1994.

220. It is also possible that refugees from Azerbaijan fleeing the war with Armenia for control of the enclave of Nagorny Karabakh will arrive in Iran. The Iranian Government is currently putting up temporary housing in Azerbaijan as a means of furnishing material assistance to Azeris displaced within their own country by the conflict, and has offered logistical support for the dispatch of humanitarian aid to Azerbaijan across Iranian territory.

III. CONSIDERATIONS AND OBSERVATIONS

A. Content of the report

221. By resolution 1993/62, adopted on 10 March 1993, the Commission on Human Rights decided that the Special Representative should submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and report to the Commission at its fiftieth session. The interim report, dated 8 November 1993, was issued as document A/48/526. That and this report, which supplements and updates it, make up a whole. The descriptions applied to them, interim and final, indicate a single drafting process. The short interval between the preparation of the two means that all the material in the interim report can be put to use, and makes this report an update of the other.

222. During the period covered by this report the Special Representative worked under the rules laid down in Commission on Human Rights resolution 1993/94 A which, in paragraph 1, establishes that all reports submitted to the Commission should, as much as possible, not exceed the desirable 32-page limit. Hence the memoranda transmitting allegations to the Government of the Islamic Republic of Iran have been condensed, and some information and allegations received by the Special Representative have been omitted. Similarly, replies by the Iranian Government to allegations which do not appear in the reports have been left out, thus preserving the correspondence between allegations and replies within the limits of the restrictions on the number of pages to which the Special Representative is supposed to confine himself.

223. General Assembly resolutions 37/14 C and 47/202 B also lay down guidelines as to the maximum number of pages that reports for submission to the Assembly should contain, and the Special Representative followed them in preparing his interim report, omitting paragraphs of Government replies referring to information and allegations not appearing in the report. The current financial restrictions on the Organization have led to stricter enforcement of the rules and guidelines.

224. On 3 December 1993 the Iranian delegation announced to the Third Committee of the General Assembly that it was displeased at the omission of certain paragraphs of a Government reply contained in a communication from the delegation dated 27 October 1993, and stating that the Special Representative had omitted the paragraphs concerned for reasons unacceptable to the delegation. The Special Representative has given his reasons above. Government replies to allegations not appearing in the interim report will not be found in that report. It would of course have been preferable had the omission of the allegations and corresponding Government replies not taken

place; this had never occurred before in reports prepared by the Special Representative, but it was imperative to reduce the number of pages in accordance with the guidelines issued by the General Assembly and the Commission on Human Rights.

225. The Iranian delegation also complained that the Special Representative had not included a "detailed Government report on terrorist activities and operations of the People's Mojahedin Organization of Iran". That document was not published because the Special Representative simply did not receive it. Neither did it appear in the list of documents provided in note No. 3398, dated 22 October 1993, from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva.

226. Heeding the limit on the number of pages, the Special Representative has annexed to this report some of the documents mentioned in the note received from the Permanent Mission. He has not annexed the document entitled "Elections in the Islamic Republic of Iran" because this report does not broach that topic; neither does the annex include the document entitled "The Islamic Republic of Iran, human rights and the problem of narcotic drugs" because the annex is 44 pages long, i.e. contains more pages than stipulated for the whole of this report.

227. This report has been drafted also taking into account the guidelines given in the letter from the Assistant Secretary-General for Human Rights dated 2 December 1993 addressed to special representatives and rapporteurs, chairmen of working groups and independent experts of the Commission on Human Rights submitting interim reports to the General Assembly. That letter asks for reports for submission to the Commission to be designed and drawn up basically as updates to interim reports, and for the need to facilitate the tasks of document publication and translation to be borne in mind. The Special Representative is aware that excessively lengthy reports create problems for publication, translation into the official languages of the Organization and timely distribution; he knows the difficulties the services concerned are facing, among them their inability to take on temporary staff.

228. The Special Representative, while not failing to mention those facts, allegations, considerations and observations which are, in his view, the most important, has adopted these standards in the preparation of this report, thus cooperating in the solution of the problems that the enormous volume of documents and financial and administrative restrictions have posed for general services.

B. The right to life

229. In considering this topic, reference should be made to chapter two, section A of this report and paragraphs 92 to 104 of the interim report. Information on executions was obtained from various sources, not only the reports appearing in the Iranian press. In earlier years it sufficed to read the Iranian press regularly in order to learn of most executions. The interim report mentions a study by Government officials of the Islamic Republic of Iran entitled "International monitoring of the human rights situation in Iran and comparative examination of three reports by Galindo Pohl" (A/48/526, para. 92). That study refers to the "negative effects of publication of

reports on the executions and statements of the judicial authorities on the record of arrests and sentences determined for the convicts," and states that "publication of the above-said news was considerably reduced and one of the sources used by Galindo Pohl to provide documented and irrefutable reports was therefore neutralized."

230. Since September 1993, however, reports of executions have been appearing more frequently in the Iranian press. The Special Representative has been informed that between then and 31 December 1993 at least 35 people were executed in the Islamic Republic of Iran. Hence the use of the death penalty has not diminished radically, as the Special Representative requested in 1991 in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/35, para. 494 (a)), and the authorities have not taken the necessary steps for it to do so.

231. At least 19 people were executed in 1993 after being condemned to death by Islamic revolutionary courts for political offences, chiefly that of belonging to illegal opposition groups. At least seven were executed for disrupting public order or imperilling security; 15 for murder, homicide, armed robbery or rape; 11 for drug trafficking, possession or use and 2 for adultery. In other cases the charges were not specified. Most of the executions were carried out in public, the method used being hanging.

232. The Special Representative has received reports of 59 assaults, most of them lethal, on Iranian citizens abroad belonging to various opposition groups. This report only mentions cases in which Iranian agents are said, mainly by the judicial, political or administrative authorities in the countries concerned or by parliamentary bodies, to have been involved.

233. In his statement to the Third Committee of the General Assembly on 3 December 1993, the representative of the Islamic Republic of Iran said: "Despite the fact that the allegations which have been made against the Government of the Islamic Republic of Iran as regards attacks on Iranian citizens abroad have always been categorically rejected by the Islamic Republic of Iran and never been proven and the Special Representative himself admits in unambiguous terms the absence of conclusive data in this regard, yet the matter is discussed in detail in various parts of the interim report. Still worse, the report's conclusions are framed in such a way as to impart to the reader the impression that they were based on facts and conclusive data, which simply is not the case".

234. It is not the Special Representative's intention to give his readers impressions that might lead them to erroneous conclusions. The Special Representative cannot, however, but mention cases in which there are statements by judicial, political or administrative authorities containing specific indications of the involvement of Iranian agents, on the assumption that the authorities are well aware of what took place and have taken into account the consequences for international relations of their statements.

235. On 2 November 1993, examining magistrate Jean-Louis Bruguière announced that initial enquiries into the killing of former Prime Minister Shahpour Bakhtiar and his personal secretary, Katibeh Fallouch, had been completed, and forwarded the file to the procurator's office in Paris. The former chief of

Iranian Radio and Television in Paris, Massoud Hendi, the administrative secretary of the Iranian Embassy in Bern, Zeynal Sarhadi, and the adviser to the Iranian Minister of Telecommunications, Hossein Sheikhattar, were mentioned in the legal record. Hendi and Sarhadi, who have been in prison since late 1991, have been accused of being accomplices to murder and of criminal association in connection with a terrorist undertaking. Sheikhattar is the subject of an international arrest warrant. A further two Iranians have been charged, and another six arrest warrants against Iranian citizens have been issued.

236. The investigating magistrate of the Canton of Vaud, Roland Chatelain, has issued 13 international arrest warrants against Iranian citizens in connection with the killing of the Iranian opposition figure Kazem Radjavi, and transmitted the related rogatory commissions via Bern to the authorities in the Islamic Republic of Iran, without receiving a reply. The crime, and entry into and exit from Switzerland, are said to have been prepared for in minute detail and carried out by a commando squad. Two of the 13 people covered by international arrest warrants, Mahsen Sharif Esfahani and Ahmad Taheri, were detained in Paris on 15 November 1992. On 24 November 1992 Switzerland requested their extradition. On 10 February 1993 the indictment division of the Court of Appeals in Paris handed down an opinion in favour of extradition and held it to be appropriate. On 29 december 1993, however, the two Iranian nationals were expelled from France and sent to Tehran.

237. In the case of the killings of the four leaders of the Kurdistan Democratic Party of Iran - Qassemlou Faction, a cable from Agence France Presse dated 28 October 1993 reports that the charge sheet drawn up by the Karlsruhe Federal Procurator's Office, which has jurisdiction over terrorist offences, explicitly states that the Iranian intelligence services were implicated. The Secretary of State for the German Chancellor's Office, Bernd Schmidbauer, said on 21 October 1993 that the possibility that the Iranian Minister of Intelligence was implicated in the killings could not be ruled out, although he admitted that the German intelligence services had given him no hard proof.

238. The statements by the Italian Minister of the Interior, Mr. Nicola Mancino, concerning the killing of Mohammad Hossein Naghdi appear in the preceding chapter. The interim report also mentions a motion passed unanimously by the Italian Senate on 5 August 1883 (A/48/526, para. 104).

239. On the killing of Ali Akbar Ghorbani and two Turkish writers, the Turkish Minister of the Interior, Mr. Ismet Sezgin, said it was "clear that those who committed the murders had ties with Iran"; he added that they had been trained "at a military camp located between Tehran and Qom"; and it was believed that three members of the commando squad had sought refuge in Iran.

240. In other killings of Iranian citizens abroad, the authorities of the countries concerned have refrained from making specific accusations. In the absence of specific data, the Special Representative makes no reference to those cases under this section.

C. Torture and other cruel, inhuman and degrading treatment and punishment

241. Despite the express prohibition in article 38 of the Constitution of the Islamic Republic of Iran and in article 7 of the International Covenant on Civil and Political Rights, reports continue to be received of persistent and widespread torture and ill-treatment, chiefly to force detainees to confess, make public statements of repentance, or inform on the organizations they belong to. In October 1993 a man accused of robbery and drug trafficking had his hand amputated in Mashhad. In August, 14 people had four fingers of their right hands amputated.

D. Administration of justice

242. Chapter II, section D, of this report, like paragraphs 107 to 109 of the interim report, provides extensive information and comment on the administration of justice. It is worth repeating that there have been some reforms of the law, particularly on penal justice, concerning appeal against decisions and sentences and the presence of a defence lawyer. The appeals mechanism has worked fairly well, even in the case of death sentences. There are not the necessary stipulations about the presence of a defence lawyer, on the other hand, to ensure the due process of law. This reform is still unsatisfactory when measured against international standards. Even with these shortcomings, moreover, the reforms do not apply to trials before Islamic revolutionary courts.

243. The new Islamic Penalties Act, which replaces the 1982 Penal Code, follows the basic layout of the old law; it has not introduced the technical reforms that would make the punishment fit the offender's particular circumstances, adjusting criminal responsibility to match the degree of involvement in the offence, and it continues to function with very broad and imprecise definitions of offences. This vagueness in the categorization of offences is especially noticeable in the case of offences punishable by the death penalty, and is one of the factors that have led to its being used so frequently.

244. Stoning, amputation and flogging have not been abolished although the number of cases in which flogging is authorized has declined. The courts have wide discretion in matters of public policy owing to the vague way in which offences are defined and categorized.

245. Judges do not have security of tenure and may be arbitrarily dismissed; this deprives their independence of a valued buttress. The Lawyers' Association is still being run by the administrative authorities and the election of its Board of Directors, scheduled for 9 October 1991 and indefinitely postponed, has yet to take place.

246. Information has been received on acts of clemency benefiting numerous prisoners during 1993, including individuals convicted of drug trafficking, terrorism and military offences. The total number of prisoners granted amnesties or commutations of sentence was 12,797.

E. Arrests and prison situation

247. Chapter II, section D, of this report and paragraphs 110 to 111 of the interim report deal with this subject. They include statements made by the Iranian Director General of Prisons on 26 August 1993 reporting that the number of people in prison in the Islamic Republic of Iran rose to 99,900 during the Iranian year ending on 20 March 1993. Hence it can be inferred that the number of political prisoners was around 19,900.

248. The Director General of Prisons also reported that the prison situation had deteriorated for two main reasons: shortage of staff and shortage of space. Hence the project to increase the number of penal and penitentiary centres and expand existing ones, and another project to send people accused of drug trafficking and drug addicts to Farour Island in the Persian Gulf.

F. Freedom of opinion and expression and the situation of the press

249. On the subject of freedom of opinion and expression and the situation of the press, the reader should refer to chapter II, section E, of this report and paragraphs 112 to 117 of the interim report. These freedoms were affected by interference of two kinds in 1993: the institution of criminal proceedings against media chiefs and attacks by uncontrolled mobs on the premises of newspapers and magazines with no action taken by the authorities to stop or punish them. The fact that these mobs claim during their protests to be defending Islamic values does not entitle them to resort to violence, uttering death threats and disrupting public order and even going so far as to start fires, loot and destroy property.

250. The editorial opinion expressed in one of the major dailies, Kayhan, on 18 September 1993, and the editorial in the magazine Gozaresh-e Hafteh on 21 November 1993, both of them cited in section E of the previous chapter, help to clarify the situation of the press.

251. After preparing his report to the General Assembly, the Special Representative was informed that the publication Hamshari had been closed down; that a Kayhan journalist, Mahmoud Asghari, had been detained; that the editor-in-chief of Salam, Abbas Abdi, had been arrested; and that the director of Salam, Mohammad Moussavi Khoeiniha, and the editor of Kayhan, Mehdi Nasiri, had been summoned to appear in court.

252. Mohammad Moussavi Khoeiniha said that if Mr. Abbas Abdi had to answer for a violation of the Press Act he should appear before the special bodies established under the Act, not an Islamic revolutionary court.

253. On 22 December 1993, Mr. Abbas Abdi was sentenced by the Tehran Islamic Revolutionary Court to one year's imprisonment and forty lashes. The offences of which he was found guilty were not specified.

G. Freedom of religion and the situation of the Baha'is

254. The Special Representative was informed that a bishop of the Chaldean Christian Church had been expelled from Iran, that the church's Bible Society had been closed down and that some of its church buildings and schools had been shut.

255. In response to the information in his earlier report to the Commission on Human Rights (E/CN.4/1993/41, paras. 218 and 219; 244 to 252; and 308), the Special Representative received from Tehran communications from entities associated with various churches. The Armenia Ararat Cultural Organization said that the rights of the Armenian religious community were guaranteed under the Constitution of the Islamic Republic of Iran and that the rights of the community as a religious minority were treated with the greatest respect by the Iranian Government. The representative of the Jewish Community in the Majlis, Kouros Keyvanki, said that the community was free to practise its ceremonies, rites and traditions in accordance with its religion and ran its synagogues, schools, old people's homes and cemeteries autonomously. The Armenian Diocesan Council of Tehran said that there was complete religious freedom in Iran, and that the Armenian community had two representatives in the Islamic Consultative Majles and its own educational, cultural, sporting and welfare facilities. The representative of the Armenians in the Majles, Vartan Vartanian, made similar comments. The opinions expressed in communications sent by members of minority religious communities to the Special Representative from outside Iran are very different.

256. In earlier reports, the Special Representative followed the fortunes of Mehdi Dibaj, a Christian pastor who has been in prison for the past seven years (see, for example, E/CN.4/1993/41, para. 248). As he completed this report, he was informed that pastor Dibaj had been condemned to death on charges of apostasy by an Islamic revolutionary court in the city of Sari. He sent an urgent message to the Minister for Foreign Affairs of the Islamic Republic of Iran, asking the Government to make sure pastor Dibaj could avail himself of the safeguards laid down in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and in articles 4 to 8 of the annex to Economic and Social Council resolution 1984/50. He also asked the Iranian Government to consider granting clemency. Hours later, the Government announced that Mehdi Dibaj had been set free.

257. The situation of the Baha'is has been analyzed by the Special Representative in the light of documents signed and sealed by Iranian authorities and officials setting forth precepts and arguments that prove that the Baha'i religious community suffers discrimination and harassment. In 1993, 10 Baha'is were sent to prison, joining another six who were already there. These latter include Mr. Bakshu'llah Mithaqi and Kayvan Khalajabadi, whose death sentences were confirmed on 23 November 1993. According to verdict No. 81, paragraph D, they were found guilty, among other things, of "transmitting information to the United Nations", presumably a reference to the meeting the Special Representative had with them during his third visit to the country. The Special Representative sent an urgent message to the Minister for Foreign Affairs of the Islamic Republic of Iran on 30 December 1993, asking for the two to be allowed to avail themselves of

the safeguards laid down in international instruments and, perhaps, be granted clemency; he also reminded the Minister of the content of Commission on Human Rights resolution 1993/64, paragraph 1 (a) of which urges Governments to refrain from any act of intimidation or reprisal against those who give evidence to representatives of United Nations human rights bodies or supply them with information. The urgent message also covered the case of Mr. Raamadan-Ali Dhulfaqari, a Baha'i condemned to death for apostasy.

H. Situation of women

258. The situation described in the interim report has not changed (see A/48/526, paras. 59 to 66 and 121 to 123). Above all, campaigns to enforce appropriate Islamic dress have continued, and these on occasion have degenerated into incidents in the streets where physical punishment has been inflicted on women not properly dressed.

259. After completing his interim report, the Special Representative was informed that on 2 September 1993, during one such campaign, an official killed Miss Bahareh Vojdani, aged 20, in a suburb of Tehran. Twenty-six young women were arrested on 2 November 1993, again in Tehran, for not wearing suitable veils at a private party. These reports were published in the Iranian press, as was the fact that the Islamic Consultative Majles had rejected several bills that would have permitted women doctors aged 28 or under to leave the country in order to pursue their studies, or set up a committee for women's affairs in Parliament.

260. In its statement to the Third Committee of the General Assembly, the Iranian delegation flatly rejected the Special Representative's criticisms on this score, saying that the Special Representative was ignorant of Islamic precepts and judicial precedents. The Special Representative must make it clear that his mandate is to make comments, observations or recommendations not in the light of Islamic law or judicial precedent, but rather based on the norms, principles and precepts of international human rights law and the international instruments which the Islamic Republic of Iran has undertaken before the international community to respect and apply. His assessments of this and other matters are based on current international standards, not national law.

I. Drug trafficking

261. Drug trafficking and use is a problem which the Government identifies as one of the most serious - if not the most serious -the country faces. Iran's geographical situation makes the country a transit route for drug transport from the "Golden Triangle" to Europe. Local use has also been increasing, and official figures indicate a million users.

262. Some time ago the Government of the Islamic Republic of Iran launched a frontal attack on the drugs traffic. Information received indicates that drug trafficking gangs are well armed, have advanced communications equipment and fight police patrols. Rehabilitation centres for addicts have been set up, but in some cases matters reach the application of the death penalty. The chief of the anti-drugs campaign said on 23 June that "addicts arrested for the third time may be executed".

263. The Iranian Government believes that there are differences of opinion and an ambivalent attitude among United Nations bodies towards the problem of drug trafficking in Iran. It says that the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East has praised Iran for its open campaign against drug trafficking. It probably finds the ambivalence in comparing the Subcommission's praise with the Special Representative's criticism.

264. It needs to be repeated, as it often has been before, that the Special Representative is not against action to combat the drug traffic since drugs have been a major scourge of mankind in recent years. He does not criticize the anti-drugs campaign, but he does insist that as it is carried out offenders should be given a proper trial with guarantees of the due process of law, and that the death penalty should not be applied to them outside the narrow limits authorized by the International Covenant on Civil and Political Rights, to which Iran is a party.

265. From statements by the Iranian Government itself the problem of drug trafficking, like that of domestic drug use, is known to have been on the increase. This indicates that the draconian application of the death penalty has not been productive. Never in the course of history, in fact, has the death penalty cured social ills whose causes continue to obtain beyond the range of intimidation and fear.

J. Refugees in Iran

266. Section N of the preceding chapter contains detailed information on the situation of refugees in the Islamic Republic of Iran, mostly obtained in interviews between the Special Representative and officials of the Office of the United Nations High Commissioner for Refugees (UNHCR).

267. As he completed this report, the Special Representative received news of the settlement in Iran of 41,765 Azeri refugees fleeing the war in Azerbaijan for control of the enclave of Nagorny Karabakh. They had been put into seven camps run by the Iranian Red Crescent Society, mainly in the border district of Pars Abad. The international community ought to support the Iranian Government's efforts to meet these people's material needs.

K. Relatives of Iranian citizens abroad

268. The Special Representative has received a number of letters from Iranians living in foreign countries and Iranian refugees protesting that relatives have been summoned to police stations, Islamic Revolutionary Komitehs or the Ministry of Intelligence to supply the addresses and telephone numbers of relatives of theirs abroad. In some cases it is claimed that they were asked to urge their relatives to return home. In others, relatives living in Iran were asked to collaborate with the Iranian intelligence services, and were threatened with reprisals if they refused. Particular concern was expressed about relatives of Iranian citizens living in Iraq and Turkey.

IV. CONCLUSIONS

269. Comparing recent events with those of previous years, one has the impression that the situation did not change markedly in 1993. The requirements of due process of law have not yet been met, and no plans are known for making good existing legal shortcomings. The same problems occur, and people remain just as unsure of the reactions of officials, especially those responsible for public policy, to events that depart from current guidelines in the view of the authorities concerned.

270. The official position of the Government of the Islamic Republic of Iran is that this criticism stems from the Special Representative's ignorance of Islamic law. The fact is that international bodies monitoring human rights are required to base themselves on international principles and instruments, and national laws, institutions and practices must change to match international laws, not vice versa. This is a fundamental stumbling-block which constantly gives rise to differences in assessment, and up to now it has not been overcome.

271. The Special Representative wishes to repeat the general comments made in his report to the General Assembly, and feels there is enough evidence to indicate that the situation of human rights and fundamental freedoms in the Islamic Republic of Iran should remain under international scrutiny.

V. RECOMMENDATIONS

272. The Special Representative makes the following recommendations to the Commission on Human Rights on action which, from the viewpoint of the international instruments in force, would in his view be appropriate:

(a) To urge the Government of the Islamic Republic of Iran once again to take urgent and effective action to prevent its secret service agents from harassing Iranians living outside the country and their relatives living within it, or mounting attempts on the lives of exiles and refugees, whatever their political leanings; to investigate offences reported, particularly offences in which the authorities of other countries implicate Iranian agents; and to cooperate wholeheartedly with those authorities in investigating and punishing such offences;

(b) To remind the Iranian Government of the need to carry out technical reforms to its penal legislation, and to ensure the due process of law, with special emphasis on the openness of political trials and the presence of a qualified defence lawyer. The Government should also be recommended to recognize full equality of rights between men and women in its civil legislation, and to rely solely on individual beliefs and choice where social traditions and cultural mores are concerned.

(c) As regards the press and freedom of expression, to urge the Government of the Islamic Republic of Iran to deal with the problems caused by groups intimidating the media by attacking media facilities, and to take appropriate legal steps to protect newspapers, magazines and journalists and punish those who instigate and perpetrate outrages, eliminating violence as a means of cowing the spoken and written press;

(d) Since the International Committee of the Red Cross (ICRC) was forced to leave Iran at the Government's request in March 1992, and bearing in mind that there exists a perfectly valid agreement between ICRC and the Government, to urge the Government of the Islamic Republic of Iran to abide by the terms of that agreement;

(e) As regards cooperation by the Government of the Islamic Republic of Iran with the Commission on Human Rights through its Special Representative, it is appropriate to point out that it would be to the advantage of all concerned with human rights as they understand them in Iran were the Government to offer the Special Representative its full cooperation, inter alia by allowing him to pay a fourth visit to the country.

ANNEX

Letter dated 22 October 1993 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, addressed to the Special Representative

I wish to inform you that we received a set of information reflecting different aspects of the established process to protect human rights in my country which is being forwarded in addition to the answers provided in response to the allegations transmitted by you last September. The information divided into six categories is as follows:*

1. Clemency measures in the Islamic Republic of Iran.

2. Elections in the Islamic Republic of Iran.

3. The Islamic Republic of Iran, human rights and the problem of narcotic drugs.

4. Convicts of the High Disciplinary Court for Judges.

5. List of accused staff members of prisons organizations of the Islamic Republic of Iran.

6. Pending replies to the allegations raised in the past reports of the Special Representative.

(Signed) Sirous Nasseri
Ambassador

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* For reasons of economy, not all the information forwarded could be included in the annex. See paragraphs. 221-228.

APPENDICES

Clemency measures in the Islamic Republic of Iran

(March 1992 to September 1993)

1. On the occasion of the Fitr religious feast (12 Farvardin), Iranian calendar:

A.	Amnesty for the drug offences	287	prisoners
B.	Amnesty for terrorists' crimes	141	"
C.	Amnesty for general offences	59	"
D.	Mitigation of death penalty to life imprisonment	11	"
	Total	498	"

2. On the occasion of Qurban and Ghadir religious feast of the year 1371, Iranian calendar:

A.	Amnesty for drug offences	1 181	prisoners
B.	Amnesty for military offences	213	"
C.	Amnesty for terrorists' crimes	51	"
D.	Amnesty for general offences	58	"
E.	Mitigation of death penalty for life imprisonment	25	"
	Total	1 528	"

3. On the occasion of the Prophet's birthday (the year 1371 of the Iranian calendar):

A.	Amnesty for drug offences	1 518	prisoners
B.	Amnesty for military offences	215	"
C.	Amnesty for terrorists' crimes	8	"
D.	Amnesty for general offences	25	"
E.	Mitigation of death penalty for life imprisonment	15	"
	Total	1 781	"

4. On the occasion of Mabath religious feast in the year 1371, Iranian calendar, a total number of 1,780 prisoners were amnestied or their sentences were commuted:

5. On the occasion of the 15th Shaaban of the year 1371, Iranian calendar:

A.	Amnesty for drug offences	601	prisoners
B.	Amnesty for general offences	8	"
C.	Amnesty for terrorists' crimes	8	"
D.	Mitigation of death penalty to 15 years' imprisonment	2	"
	Total	619	"

6. On the occasion of Fitr religious feast, of the year 1372 of the Iranian calendar:

A.	Amnesty for drug offences	1 324	prisoners
B.	Amnesty for military offences	261	"
C.	Amnesty for general offences	66	"
D.	Amnesty for terrorists' crimes	91	"
	Total	1 682	"

7. On the occasion of Qurban and Ghadir religious feast of the year 1372 of the Iranian calendar:

A.	Amnesty and mitigation for drug offences	1 238	prisoners
B.	Amnesty and mitigation for military offences	1 404	"
C.	Amnesty and mitigation of terrorism crimes	11	"
D.	Amnesty and mitigation for general offences	112	"
E.	Mitigation of death penalty for life imprisonment	3	"
	Total	2 768	"

8. On the occasion of the Prophet's birthday a total number of 2,141 prisoners were amnestied or their sentences commuted.

* Total number of prisoners amnestied or their sentences commuted during the period from March 1992 till September 1993 12 797

The Islamic Republic of Iran, human rights and the problem of narcotics

Narcotics, as one of the biggest and the most complicated problems of human society, is the problem for most of the countries of the world, and few members of today's international community can resist it. The two regions of the Golden Triangle and the Golden Crescent which are located respectively in South-East Asia and the western margin of Middle East, together with the northern part of South America, form the largest sources of supply of narcotics to the world, and the international community's effort has not achieved outstanding success in confronting drug smugglers and uprooting production sources in the three mentioned regions.

The Islamic Republic of Iran with its strategic location alongside the Persian Gulf and the Oman sea makes the connecting bridge between East and South-West Asia to Europe. This region, which has been situated on the route of the historical Silk Road, for thousands of years has been located adjacent to one of the three biggest areas for production of narcotics, i.e. the Golden Crescent. For many years, under the protection and vast escort of international gangs of drug traffickers who are equipped with the most developed and sophisticated equipment and arms, a huge amount of narcotics, after production and packaging, has been smuggled to Iran by penetrating through the eastern borders to the west and north-west gates of the country and then through Turkish territory it has been sent to the European countries. As an example, according to existing records available, in 1979 itself, which coincided with the last days of the despotic regime of Shah, more than 11,076 kg of narcotics were seized.

Following the victory of the Islamic Revolution, the general policy of Iran's Government was based on preservation and promotion of human rights and respecting all human values either in Iran or other nations. Thereby, an all-round campaign against drug trafficking (as a problem which was planned by the leadership of Mafia organizations and has been encouraged by some superpowers in order to seek further exploitation of oppressed nations, particularly the Iranian population) became one of the most important priorities of Iran's government agenda. Therefore, since the beginning of the Islamic Revolution the amount of confiscated drugs and the people who have been arrested on charges of collaboration with international criminals have been on the rise. Figures presented by related organizations are testimony to this claim.

In 1981, two years after the culmination of the Islamic Revolution in Iran, the amount of confiscated drugs increased to twice the amount confiscated in one year before the Revolution and reached 27,719 kg. Attempts and achievements in eliminating this inhuman trade through the decisive and effective actions of the Iranian Government were continued during subsequent years. In 1992 approximately 65,941 kg of drugs were discovered and confiscated with the extensive help of the people. But a heavy price was paid in order to gain these attainments. In this regard, since 1980 until now, 364 members of the Headquarters for the Campaign Against Drugs were martyred and 467 other people were injured during these operations. Although

these figures, on one hand, are indicative of decisive attempts by the Islamic Republic of Iran in its campaign against those involved in this inauspicious trade, on the other hand they are demonstrative of increased distribution of drugs and efforts of international bands to preserve Iran as a transit road for sending the drug to Europe.

The Islamic Republic of Iran has done whatever it could with regard to this hard and exhausting confrontation and, in spite of bearing the political and economic problems and difficulties imposed upon it, especially eight years of aggression by Iraq's military forces against its territory, it has mobilized its utmost possibilities and powers in this way. Not only have the en route countries, especially European countries, not encouraged it, but by bringing up many allegations and ignoring these efforts they have always tried to put Iran under political and economic pressures by imposing dual and discriminatory politics. These politics, along with groundless allegations about the high rate of execution in Iran, mean exactly ignoring the vast crime of these groups and the indirect encouragement of these international bandits.

The international gangs of drug traffickers, while providing their consignment to the western boundaries of the country, evacuate and sell a big part of it too for consumption in Iran's market. As a result, a big part of our country's labour forces, who are mainly the youths, with the aim of achieving welfare and wealth, turn to drug smuggling instead of using their potentialities and capital in appropriate ways. This figure is increasing each year as a result of economic pressures of some of the Western countries upon Iran with the aim of making us surrender our country, in a way such that now statistics estimate the number of addicts at up to 1 million. On the other hand, development of addiction has caused many other social difficulties such as prostitution, theft, murder, divorce and abandoning of many of this country's children which make double the difficulties of the Islamic Republic of Iran.

But the Islamic Republic of Iran has not neglected the preventive and amending measures, and in spite of all domestic problems has made every necessary effort for the construction of roads and posts along the eastern borders, deployment of forces in the critical areas to prevent entry of the smugglers into the country, establishment of rehabilitation centres for the addicts, forbidding cultivation of the opium poppy inside the country and announcing its readiness for cooperation with other States. But in spite of internal success in this regard, the international forum has alleged baseless charges against Iran. It is normal that each country, considering its geopolitical situation, has adopted its own policy to confront the plight of drug trafficking. In this context, the Islamic Republic of Iran, while on different occasions has been praised by the United Nations Subcommission on Illicit Traffic and Related Matters in the Near and Middle East and other related international bodies, is not an exception to the above-mentioned rule. The main point here is the existence of a dual attitude and different views among United Nations specialized organs, which in no way can be justified and accepted. It requires coordination and serious review of the members of the

international community to pave the way for a just and fair confrontation with the present problem, and leaves no opportunity for some countries to take advantage of the other countries' problems.

In order to further clarify the situation, and to identify the anti-humanitarian measures taken by international gangs of drug traffickers in Iran and the efforts made by the Government of the Islamic Republic of Iran in solving this international problem, we would like to draw the attention of the Commission to the existing statistics and figures concerning the last year's discoveries and the number of persons arrested on charges of drug trafficking and its distribution.

Figures regarding addicts who have gone through rehabilitation courses

(March 1991 - January 1993)

1991			1992	1993
MONTH	FEMALE	MALE	FEMALE	MALE
March	7 291	39 618	11 631	61 035
April	7 395	44 463	5 380	50 623
May	7 016	40 655	12 268	70 704
June	7 991	49 352	12 440	72 247
July	8 026	48 870	10 914	74 867
August	8 571	54 672	10 954	75 494
September	8 883	57 665	8 980	61 769
October	9 038	58 692	22 937	79 868
November	9 343	61 677	11 138	81 523
December	9 513	62 877	11 113	84 566
January	9 611	64 053		
February	11 634	66 423		

Figures regarding confiscated drugs in the first six months of 1993

Kind of drug	Weight (kg)
Heroin	652/08
Opium	22027/164
Hashish	2337/85
Opium residue	24/858
Opium extract	885/065
Morphine	11977/15
Other kinds of drug	87/103

Figures regarding arrested drug traffickers and their confiscated weapons and vehicles in the first six months of 1993

Arrested drug traffickers	7 127
Confiscated arms	510
Confiscated vehicles	387

List of the convicts of the High Disciplinary Court for Judges during the first six months of 1372

Name	Responsibility	Charge(s)	Nr. of the court verdict	Sentence
Mohammad Ghasem Ashabi	President of the Penal Court Nr. 1 of Semnan	Unlawful acts and issuance of unsubstantiated verdict	58/72 72/4/22	Deduction of 1/5 of salary for 3 months
Mohammad Taghi Pir Bonieh Known as Kashani	President of the Penal Court of Ahvaz	Unlaw acts	61/72 72/4/23	Deduction of 1/6 of salary for 4 months
Ali Nazari	Assistant to Public Prosecutor of Tehran Branch Nr. 11	Unlawful acts	68/72 72/4/30	Deduction of 1/10 of salary for 2 months
Amir Hossein Sepehri	General Investigator in Legal Medicine of Tehran	Negligence in investigation of the case	70/72 72/4/30	Deduction of 1/6 of salary for 4 months
Hamid Hosseini	President of the Penal Court of Ardebil	Negligence in investigation of the case	81/72 72/5/3	Deduction of 1/5 of salary for 3 months
Mohammad Namazian	President of Justice Dept. of Yassouj	Unlawful acts	63/72 72/4/28	Deduction of 1/10 of salary for 3 months
Hossein Dehghan Dehnavi	Public Prosecutor of Baaft	Negligence and unlawful acts	75/72 72/5/9	Deduction of ⅛ of salary for 3 months
Samad Khaneshi	President of the Independent Court of Kalibar	Unlawful acts	79/73 72/5/24	Deduction of ¼ of salary for 3 months
Samad Khaneshi	President of the Independent Court of Kalibar	Unlaw acts	85/72 72/5/30	Deduction of ¼ of salary for 5 months
Enaiat Allah Ghasemi	Deputy of the then Public Prosecutor of Chalous	Negligence and unlawful acts	94/72 72/6/15	Deduction of 1/5 of salary for 3 months
Hojjat-l-Islam Hassan Naderi	President of Nr. 1 Penal Court of Tonakabon	Negligence and unlawful acts	94/72 72/6/15	Deduction of 1/5 of salary for 3 months
Ali Akbar Soleimani	Assistant to Public Prosecutor of Arak	Unlawful acts	83/72 72/5/30	Deduction of 1/7 of salary for 3 months
Hossein Meshaiekh	Assistant to Public Prosecutor of Arak	Unlawful acts	83/72 72/5/30	Deduction of 1/7 of salary for 3 months
Abbas Ghaderi	Assistant to Public Prosecutor of Kashan	Unlawful acts	91/72 72/6/7	Deduction of 1/5 of salary for 3 months
Ahmad Afshar	Assistant to Public Prosecutor in Revolutionary Court of Masjid Soleiman	Unlawful acts	88/72 72/6/3	Deduction of 1/5 of salary for 3 months
Behzad Kamjou	Assistant to Public Prosecutor of Kermanshah	Unlawful acts	82/72 72/5/30	Deduction of 1/10 of salary for 2 months
Mohammad Taghi Hassani	President of the Independent Court of Hamasani	Negligence and unlawful acts	78/72 72/5/3	Deduction of 1/10 of salary for 3 months

List of accused staff members of prisons organizations of the Islamic Republic of Iran

Name	Father's name	Charge(s)	Present status	Responsibility
Naser Aghaei	Ali	Receiving bribe from prisoners and embezzlement and extra-marital relations	Discharged from responsibility and under investigation	Manager of Evin prison workshop
Mohammad Reza Seisefour	Gholamali	Bribery and helping a prisoner to escape from prison	"	Evin prison staff member
Ahmad Kasiri Bid Hendi	Abbas	Unauthorized use of professional position and forging the title of prison authorities and bribery and extra-marital relations	"	Prisons organization staff member
Ali Mohseni Nia	Ghoiam Hossein	Forging the title of prison director and fraud and extorting money from prisoners' families	"	Prisons organization staff member
Mohammad Shafiei	Akbar	Forging the title of prison director and fraud and extorting money from prisoners' families	"	Prisons organization staff member
Majid Davariar	Hossein	Fraud and forging the titles of prisons organization authorities	"	Prisons organization staff member
Seyed Hashem Sadr		Beating prisoners	"	Director of Sari Rehabilitation Centre
Alireza Yusefi Pour	Ismaeil	Beating and harassment of prisoners	"	Shahid Kachonei prison guard
Changiz Khan Sheikhi	Javad	Creating inconvenience for prisoners' families	"	Prisons organization staff member
Mohsem Zareei Mahmoun Abadi	Jafar	Creating inconvenience for prisoners' families	"	Prisons organization staff member
Mohammad Hossein Saghi		Unauthorized use of professional position and embezzlement and extra-marital relations	"	General Director of prison organization in Sistan Province

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